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TO ALL MEMBERS OF THE PUEBLO POLICE DEPARTMENT:

The accompanying document is the official Pueblo Police Department Policy Manual.

I am proud to present this newest edition of the Pueblo Police Department Policy Manual. The Policy Manual has been designed to ensure that our employees have information available to guide them in making the best possible decisions while they provide their services in a professional and lawful manner.

All employees of the Department are to conform to the rules and provisions contained herein. All existing manuals, orders, and other regulations which are in conflict with the contents of the Policy Manual are hereby revoked.

It is a reality in law enforcement that "change is a constant". In order to keep up with the changes that affect us, we must ensure that our policies and procedures reflect current practices. This manual, and its subsequent revisions, will help us to keep pace with the changes in our society.

Certain core principles should never change. We, the members of the Pueblo Police Department will continue to provide police services with a sense of commitment, character, and excellence that our citizens have rightfully come to expect.

Approved and adopted January 1, 2013 with revisions through January 18, 2021.

Troy Davenport
Chief of Police

Approved in compliance with Pueblo City Charter, Section 10-3; effective January 18, 2021.

Nick Gradisar
Mayor, City of Pueblo

DEPARTMENT FUNCTIONS, MISSION, VALUES AND GUIDING PRINCIPLES

FUNCTIONS

Section 10-12 of the Charter of the City or Pueblo defines the functions of the Police Department as follows:

"The Department of Police shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and the enforcement of the laws of the State, and the ordinances of the City as provided by this Charter and all rules and regulations made in accordance therewith, and such other functions as the Mayor and Council may prescribe for public safety. All members of the Department shall have all powers with respect to the service of criminal process and the enforcement of criminal laws as are vested in police officers by the general statutes."

MISSION

The members of the Pueblo Police Department developed the following mission statement for the Department:

The Mission of the Pueblo Police Department is to enhance the quality of life in the City of Pueblo by working cooperatively with our community and within the framework of the United States Constitution, to solve crime problems and to enforce the laws, preserve the peace, reduce fear and provide for a safe environment.

VALUES

In 1993, the members of the Pueblo Police Department developed a list of values considered to be of utmost importance in the commission of our duties. The list of values is still applicable today. They are as follows:

- Constitutional Rights - We are committed to protecting the constitutional rights of all people.
- High Moral/Ethical Standards - We recognize that our behavior both on and off duty must be ethical and present a professional public image.
- Improved Quality of Life in the Community - We are dedicated to improving the quality of life in our community through community service and a commitment toward innovation and problem solving.
- Improved Quality of Life in the Work Place - We are committed to improving the quality of life in our department through continuous improvement, interaction with and concern for each other.
- Community Service through Co-active Partnership and Open Communication - We believe in working with the members of our community in addressing problems that affect our community.
- The Advancement of the Police Profession - We are dedicated to continuous advancement of the police profession.

GUIDING PRINCIPLES

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DEPARTMENT FUNCTIONS, MISSION, VALUES AND GUIDING PRINCIPLES

In 1993, the members of the Pueblo Police Department developed a list of guiding principles considered to be of utmost importance in the commission of our duties. The list of guiding principles is still applicable today. They are as follows:

- We will be accountable to the community for our actions.
- We will work in partnership with the community and the various elements thereof to solve community problems and address neighborhood concerns.
- We recognize our responsibility for service and assistance to those members of our community who are unable to help themselves; the poor, the elderly, the developmentally disabled, and other disadvantaged members of the community.
- We believe that we are a part of and not apart from the community we serve.
- We value our citizens' right to feel safe while walking the streets of our community, any time day or night.
- We believe the members of our community should be treated in the same manner in which we would expect to be treated.
- We will be professional and compassionate in our interaction with the public.
- We are committed to continuous self-improvement on the individual and organizational level.
- We value honesty, loyalty and integrity.
- We are committed to innovation.
- We will be sensitive to the diverse cultures that make up our community.
- We encourage the pursuit of higher education.
- We will not abuse our discretionary judgment while carrying out our duties and responsibilities.
- We believe the Constitution to apply equally to all people, regardless of sex, race, color, or creed.
- We will never tolerate the abuse of our police powers.

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OATH OF HONOR

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community and the Pueblo Police Department.

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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. Each officer shall be accountable for the use of his/her granted authority. This department does not tolerate abuse of law enforcement authority.

100.2 POLICY

It is the policy of the Pueblo Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER AUTHORITY

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

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE PUEBLO POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Pueblo Police Department 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.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PUEBLO POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Pueblo Police Department 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 the officer is in fresh pursuit from within the jurisdiction of the Pueblo Police Department and any of the following conditions exist (CRS § 16-3-106):

1. An arrest warrant has been issued for the person or the officer knows that such warrant has been issued for the person.
2. An offense was committed in the officer's presence.
3. The officer has probable cause to believe that the person committed an offense.

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(c) 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 § 16-3-202).

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

An officer making an arrest under this subsection shall, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made (CRS § 16-3-110).

100.4 ARREST PROCEDURES

The procedures set forth in this section provide guidelines for carrying out arrests. The circumstances under which an arrest may be made, the force that may be used to effect it, and the authority for a peace officer to arrest derive from the Colorado Revised Statutes (CRS § 16-3-101 and CRS § 16-3-102).

100.4.1 USE OF FORCE TO EFFECT AN ARREST

All necessary and reasonable force may be used to effect an arrest. Refer to the Use of Force Policy for guidance of the application of force to effect an arrest.

100.4.2 ARREST WITHOUT A WARRANT

Officers shall notify a supervisor without delay whenever an arrest without a warrant is made, unless the individual is released on a summons. All affidavits of probable cause for warrantless arrest must be approved by a supervisor.

Officers may arrest without a warrant as follows:

(a) Upon determination that probable cause exists to believe that a crime was committed and that the individual to be arrested committed the crime

(b) A crime was committed in the officer's presence

Prior to such arrest, officers shall investigate the facts leading to the arrest. The investigation should include, if possible, identification of all witnesses and suspects, interviews of persons who may have pertinent information, and crime scene/evidence protection and preservation.

An officer effecting a warrantless arrest shall document the incident fully and accurately in a related incident report in accordance with the OSSI Report Writing Requirements Standard Operating Procedures and the Report Preparation Policy.

100.4.3 RELEASE OF INDIVIDUALS ARRESTED WITHOUT A WARRANT

When an adult is arrested by an officer without a warrant, the individual may be released by the Pueblo Police Department on its own authority if one of the following circumstances exists:

(a) The arresting officer no longer believes probable cause exists to support the allegation against the individual. In these cases, a supervisor will review the facts of the case prior to authorizing the release of the individual. If the supervisor is in agreement that probable cause has dissipated or cannot be substantiated, the individual will be released. When it is determined that probable cause for the arrest cannot be

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substantiated and the subject has already been booked into a jail or housing facility, the supervisor shall immediately contact the facility and request that the individual be released.

(b) The offense for which the individual was arrested is a misdemeanor or petty offense that allows incarceration and the arresting officer is satisfied that the person arrested will obey a summons commanding his/her appearance in court at a later date. In these cases, the arresting officer will issue the summons to the individual and advise him/her of the court date and location to appear.

(c) The arresting officer is referring charges to the District Attorney's Office and is satisfied that the person arrested is not a danger to himself/herself or others and will cooperate with future court obligations. The arresting officer must notify his/her supervisor when releasing an individual pending a felony charge.

Adults arrested for any crime or offense, the underlying factual basis of which includes an act of domestic violence, shall not be released. Such individuals shall be booked into the Pueblo County Detention Center to be brought before a judge prior to release. When a juvenile is taken into custody for any crime or offense, the underlying factual basis of which includes an act of domestic violence, the arresting officer shall notify the screening team for the judicial district in which the juvenile was taken into custody and comply with the screening team's decision on the disposition of the juvenile (CRS § 19-2-507(1)). Refer to the Domestic Violence Policy for further guidance on arrests of domestic violence suspects.

Refer to the Temporary Custody of Juveniles Policy for specific guidelines on the release of juveniles.

100.4.4 RELEASE OF HANDCUFFED PERSONS

The procedures for releasing individuals who have been restrained without an arrest are governed by the Handcuffing and Restraints Policy.

100.4.5 RECORDS CORRECTIONS

In the event that an arrested individual is released after an arrest record has been generated, the supervisor authorizing the release shall ensure that an immediate request to correct the individual's record is submitted to the Records Manager. The supervisor authorizing the release of the individual shall also ensure that a supplemental report is completed that accurately describes the details leading to the release.

At the conclusion of the incident, the supervisor authorizing the release of the individual shall commence an initial inquiry into the incident. If the supervisor determines that a policy violation has occurred, he/she shall proceed according to the Personnel Complaints Policy.

100.4.6 ARREST WARRANTS

Five different types of arrest warrants exist in CCIC:

(a) CICJIS Warrants (Court Integrated Criminal Justice Information System) - No confirmation required.

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(b) Felony Warrants - Confirmation required.

(c) Limited Extradition Only Warrants (LIM) - See "Miscellaneous" field for limits. Confirmation required.

(d) LWO Warrants - Valid in ORI limits only. Confirmation required.

(e) Misdemeanor Warrants (MIS) - Confirmation required.

Confirmation requests will not be sent for LIM or LWO warrants unless the Pueblo Police Department is within extradition limits outlined within the warrant entry.

All other warrants will be confirmed through Communications Center except those that indicate, “CICJIS COURT WARRANT – NO CONFIRMATION REQUIRED” in the heading.

Arrest warrants will be executed by sworn law enforcement officers only.

100.4.7 MUNICIPAL ARREST WARRANTS

All Pueblo Municipal Court arrest warrants will be confirmed through the Communications Center prior to arrest.

During the Pueblo Municipal Court's hours of operation, an adult who is arrested and able to immediately post the required bond or pay the fine should be taken directly to Pueblo Municipal Court located in the Pueblo Municipal Justice Center. An adult who is arrested on a municipal arrest warrant outside of the Pueblo Municipal Court's hours of operations may post bond in the Pueblo County Detention Center.

A juvenile who is taken into custody on a municipal arrest warrant during the Pueblo Municipal Court's hours of operation should be transported directly to Pueblo Municipal Court in the Pueblo Municipal Justice Center. A juvenile who is taken into custody on a municipal arrest warrant outside of the Pueblo Municipal Court's hours of operation shall be served with a Pueblo Municipal Court Juvenile Personal Recognizance Bond and released to the juvenile's parent, guardian or other responsible adult. The form will provide the juvenile with a new court date and time, which will be the same date and time as for those instances when a summons is issued. The "Defendant" copy of the carbon copy form shall be provided to the juvenile and his/her parent, guardian or responsible adult, the "Court" copy shall be provided to Pueblo Municipal Court, and the "Officer" copy shall be hand-delivered to the Communications Center so that the appropriate entries can be made and the warrant can be removed from the system.

100.4.8 DOMESTIC VIOLENCE

The arrest procedures for any crime or offense in which the underlying factual basis is an act of domestic violence are governed by the Domestic Violence Policy and applicable sections of the Colorado Revised Statutes.

100.4.9 SEARCH INCIDENT TO ARREST

The procedures for conducting a search incident to a lawful arrest are goverend by the Search and Seizure Policy as well as relevant federal and state law.

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100.4.10 CUSTODIAL SEARCHES

The procedures for conducting custody searches, physical body cavity searches and strip searches are governed by the Custodial Searches Policy.

100.4.11 TEMPORARY CUSTODY AND CONFINEMENT

The procedures for temporarily detaining and/or confining an arrestee at the Pueblo Municipal Justice Center are governed by the Temporary Custody and Confinement Policy.

100.4.12 FINGERPRINTING AND PHOTOGRAPHING

Individuals who are arrested/taken into custody and transported to a jail or housing facility for formal booking will be fingerprinted and photographed by facility personnel according to facility procedures.

Fingerprinting and photographing are not required for individuals who are cited and released or who are released pending charges. An officer may, however, collect fingerprints and photographs from an individual who is arrested/taken into custody for an offense for which he/she could be booked into a jail or housing facility. In such cases, the fingerprints and photographs will be collected in the Identification Section by a member of the Identification Section. If a member of the Identification Section is not available, the individual may be transported to the Pueblo County Detention Center for the collection of fingerprints and photographs. Fingerprints and photographs collected by the Identification Section will be maintained by the Identification Section.

100.4.13 REPORT PREPARATION

All arrests shall be documented in accordance with the procedures set forth in the OSSI Report Writing Requirements Standard Operating Procedures as well as in the Report Preparation Policy.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states:

(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state (CRS § 24-60-101; CRS § 29-1-206).

(b) When an officer enters Arizona, Nebraska, New Mexico, Oklahoma or Utah in fresh pursuit of a felony subject (ARS § 13-3832; Neb. Rev. Stat. § 29-416; NMSA § 31-2-1 (New Mexico); 22 O.S. § 221; Utah Code 77-9-1).

(c) When an officer enters Kansas in fresh pursuit of a subject who committed any offense (K.S.A. § 22-2404).

(d) When an interstate compact exists with the state of Wyoming that permits an officer to pursue and arrest an offender who has fled Colorado (Wyo. Stat. § 7-3-103).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate in the county where the arrest occurred as soon as practicable (ARS § 13-3833; K.S.A. § 22-2404; Neb. Rev. Stat. § 29-417; NMSA § 31-2-2 (New Mexico); 22 O.S. § 222; Utah Code 77-9-2).

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100.6 CONSTITUTIONAL REQUIREMENTS

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

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Chief Executive Officer

101.1 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).

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department 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).

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Oath of Office and Code of Ethics

102.1 PURPOSE AND SCOPE

Officers are sworn to uphold the U.S. and Colorado Constitutions and to enforce federal, state and local laws. All sworn officers are required to abide by the Law Enforcement Code of Ethics as adopted by the Pueblo Police Department and the International Association of Chiefs of Police. All non-sworn employees shall abide by the Code of Ethics for Non-Sworn Employees adopted by the Pueblo Police Department.

102.2 POLICY

It is the policy of the Pueblo Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

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 (Colorado Constitution Article XII Section 8). The oath shall be as follows:

I DO SOLEMNLY SWEAR (or affirm) that I will support the Constitution and Laws of the United States and of the State of Colorado and the Charter and Ordinances of Pueblo; and that I will perform the duties of my office or employment; and to the best of my knowledge and ability, maintain an efficient service in the City, free from partisan distinction and control, so help me God.

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be substituted with "under the pains and penalties of perjury."

102.4 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

102.5 CODE OF ETHICS FOR NON-SWORN EMPLOYEES

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions.

102.6 TRAINING

All employees shall receive ethics training biennially, at a minimum.

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Written Directive System

103.1 PURPOSE AND SCOPE

The written directive system of the Pueblo Police Department consists of four types of written directives that guide and direct department personnel in the operation of the Department and the conduct required of all employees thereof. The four types of written directives in the written directive system are as follows:

(a) Pueblo Police Department Policy Manual,

(b) Departmental Directives,

(c) Special Orders, and

(d) Standard Operating Procedures (SOPs).

All provisions contained in the written directive system shall be considered rules and regulations, to the extent that they apply to all department personnel.

103.2 POLICY

Except where otherwise expressly stated, the provisions of the Pueblo Police Department Policy 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 members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Pueblo Police Department 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 the Pueblo Police Department 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Pueblo Police Department reserves the right to revise any policy content, in whole or in part.

103.3 WRITTEN DIRECTIVE SYSTEM COMPONENTS

The subsections below describe the individual components of the written directive system. The written directive system shall be maintained, disseminated, acknowledged, revised and reviewed in accordance with the provisions set forth in this policy.

Written directives contained in a subordinate written directive system component may not contradict or conflict with a written directive issued by a higher level authority. Should a conflict or contradiction exist, the written directive issued by the highest level authority shall rule.

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103.3.1 POLICY MANUAL

The Pueblo Police Department Policy Manual is hereby established and will be referred to as the Policy Manual. The Policy Manual contains rules and regulations concerning the operation of this department and conduct required by all members thereof. It is promulgated by the Chief of Police in accordance with the Charter for the City of Pueblo, Section 10-3. It shall become effective upon approval of the Mayor. Only the Chief of Police is authorized to issue, modify and approve the Policy Manual at the Department level.

The Policy Manual serves as a source document, outlining rules and regulations, policies, and procedures in the form of Department Orders. All personnel shall be presumed to be familiar with, and are required to read, understand, and abide by the provisions of the Policy 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, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.3.2 DEPARTMENTAL DIRECTIVES

Departmental Directives establish intradepartmental communication that may be used by the Chief of Police to make immediate changes to established policy and procedure. Departmental Directives will immediately modify and supersede sections of this manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the Policy Manual.

Only the Chief of Police may issue Departmental Directives. Because they establish department-wide rules and regulations, Departmental Directives require the approval of the Mayor in accordance with Section 10-3 of the Charter for the City of Pueblo.

Departmental Directives shall be numbered consecutively starting with the last two digits of the calendar year, followed by the number of the Departmental Directive. For example, 15-01 signifies the first Departmental Directive issued in calendar year 2015.

103.3.3 SPECIAL ORDERS

The Chief of Police is authorized to issue Special Orders, which establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders may be issued to the organization as a whole, to a bureau, to a division, to a section, 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, or with the passage of time.

Only the Chief of Police may issue Special Orders. To the extent that they establish department-wide rules and regulations, Special Orders require the approval of the Mayor in accordance with Section 10-3 of the Charter for the City of Pueblo.

Special Orders shall be numbered consecutively starting with the last two digits of the calendar year, followed by the number of the Special. For example, 17-02 signifies the second Special Order issued in calendar year 2017.

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103.3.4 STANDARD OPERATING PROCEDURES

Individual work components of the Pueblo Police Department may establish Standard Operating Procedures (SOPs herein). SOPs are narrow in focus and generally apply only to the individual work components for which they are created. SOPs provide procedural directions to department personnel executing tasks that fall under the scope of the individual work components with SOPs. Department personnel assigned to work components that have SOPs shall be presumed to be familiar with, and are required to read, understand, and abide by the provisions set forth within such SOP manuals. Authorization to issue, modify and approve SOPs shall rest with the applicable sergeant / civilian manager or higher authority.

103.4 AUTHORITY

The authority to issue, modify and approve all department written directives at the Department level shall be vested with the Chief of Police. The Chief of Police shall be considered the ultimate department authority for the content and adoption of the provisions of the Policy Manual and shall ensure compliance with all applicable federal, state and local laws.

103.5 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.

CBA - The Collective Bargaining Agreement between City of Pueblo and International Brotherhood of Police Officers Local 537 (current).

CCR - Code of Colorado Regulations.

CDPS -The Colorado Department of Public Safety.

CFR - Code of Federal Regulations.

City - The City of Pueblo.

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

Command staff - The Chief of Police, Deputy Chief from each bureau and Captain from each division.

CSP - Colorado State Patrol.

Department/PPD - The Pueblo Police Department.

Department member - Any person employed or appointed by the Pueblo Police Department, including full-time licensed, certified officers, civilian employees and volunteers.

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

Employee/personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

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May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Pueblo Police Department, including full-time licensed, certified officers, civilian employees and volunteers.

Officer - Those employees, regardless of rank, who are POST-certified employees of the Pueblo Police Department.

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.

Policy Manual/manual - The Pueblo Police Department Policy Manual.

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

Rules and Regulations - Guidelines to which all department members must adhere.

Shall or will - Indicates a mandatory action.

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

Staff - The Chief of Police and Deputy Chief from each bureau.

Standard Operating Procedures (SOPs) - A set of procedures that are narrow in focus and specifically applicable to the individual work components which they govern.

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.

USC - United States Code.

103.6 INDEXING, PURGING AND REVISING WRITTEN DIRECTIVES

The individual components of the written directive system shall be indexed, purged and revised as follows:

(a) Policy Manual

1. Indexing: The Policy Manual Administrator shall serve as the custodian of the Policy Manual, and shall store the current version of the Policy Manual, as well as archived copies of previous versions, in electronic format. The Policy Manual Administrator shall also be responsible for storing individual policies that are approved by the Chief of Police and the Mayor, along with their approval signatures, in original, hard-copy format. The Policy Manual Administrator shall be responsible for indexing each version of the Policy Manual according to

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adoption date. The Policy Manual Administrator shall also be responsible for indexing the individual policies that are approved by the Chief of Police and the Mayor according to policy number.

2. Purging: Each version of the Policy Manual, along with the original records of individual policies that are approved by the Chief of Police and the Mayor, shall be retained in accordance with the Colorado Municipal Records Retention Schedule, at a minimum. To the extent that the Colorado Municipal Records Retention Schedule allows for the purging of policy manual records, the purging of such records shall be at the discretion of the Chief of Police.

3. Revising: The Policy Manual Administrator shall be responsible for making appropriate revisions to the Policy Manual and presenting such to the Chief of Police for approval. To ensure that the Policy Manual is relevant and up to date, the Policy Manual Administrator shall continually review the Policy Manual and prepare revisions for review and approval by the Chief of Police when appropriate. The Policy Manual Administrator shall also review policy updates released by Lexipol and prepare revisions for review and approval by the Chief of Police when appropriate.

(b) Departmental Directives

(a) Indexing: The Policy Manual Administrator shall serve as the custodian of Departmental Directives and shall be responsible for indexing each Departmental Directive issued by the Chief of Police, in original, hard-copy format and electronic format, according to the date of issuance. Each issued Departmental Directive indexed by the Policy Manual Administrator shall be accompanied by the corresponding set of acknowledgement signatures in original, hard-copy format and electronic format.

(b) Purging: Departmental Directives shall be retained in accordance with the Colorado Municipal Records Retention Schedule, at a minimum. To the extent that the Colorado Municipal Records Retention Schedule allows for the purging of Departmental Directives, the purging of such records shall be at the discretion of the Chief of Police.

(c) Revising: Revisions to Departmental Directives shall be made by the Chief of Police.

(c) Special Orders

1. Indexing: The Policy Manual Administrator shall serve as the custodian of Special Orders and shall be responsible for indexing each Special Order issued by the Chief of Police in hard-copy and electronic formats, according to the date of issuance. Each issued Special Order indexed by the Policy Manual Administrator shall accompanied by the corresponding set of acknowledgement signatures in original, hard-copy format and electronic format.

2. Purging: Special Orders shall be retained in accordance with the Colorado Municipal Records Retention Schedule, at a minimum. To the extent that the Colorado Municipal Records Retention Schedule allows for the purging of

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Special Orders, the purging of such records shall be at the discretion of the Chief of Police.

3. Revising: Revisions to Special Orders shall be made by the Chief of Police.

(d) Standard Operating Procedures (SOPs)

1. Indexing: The supervisor most directly responsible for the individual work component with SOPs shall serve as the custodian of the SOPs and shall be responsible for indexing each version of the SOPs in electronic format, according to adoption date. The supervisor shall also be responsible for indexing individual procedures that are approved by the captain or higher authority, along with his/her approval signature, in original, hard-copy format and electronic format, according to procedure number. Each approved procedure indexed by the responsible supervisor shall be accompanied by the corresponding set of acknowledgement signatures in original, hard-copy format and electronic format.

2. Purging: SOPs shall be retained in accordance with the Colorado Municipal Records Retention Schedule, at a minimum. To the extent that the Colorado Municipal Records Retention Schedule allows for the purging of SOPs, the purging of such records shall be at the discretion of the Chief of Police.

3. Revising: The supervisor most directly responsible for the individual work component shall be responsible for making appropriate revisions to the work component's SOPs and presenting such to the appropriate captain or higher authority for approval.

103.7 DISSEMINATION, STORAGE AND ACKNOWLEDGEMENT OF WRITTEN DIRECTIVES

The individual components of the written directive system shall be disseminated, stored and acknowledged as follows:

(a) Policy Manual

1. Dissemination: The existing Policy Manual will be disseminated to department personnel in electronic format by the Policy Manual Administrator via the Lexipol Knowledge Management System. As the Policy Manual is revised and updated, each new version will be disseminated to department personnel in electronic format by the Policy Manual Administrator via the Lexipol Knowledge Management System as well as via electronic mail. Department personnel may view, download and print the most current version of the Policy Manual, as well as archived copies of previous versions, directly from the Lexipol Knowledge Management System. Additionally, the most current version of the Policy Manual, as well as archived copies of previous versions, will be made available to all department members on the Pueblo Police Department Intranet site for viewing, downloading and printing.

2. Storage: The current version of the Policy Manual, as well as archived copies of previous versions, will be stored in electronic format in the following locations for member and/or public viewing, downloading and printing: Lexipol Knowledge Management System, Pueblo Police Department Intranet site and Pueblo Police

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Department Internet site. Additionally, the Policy Manual will be maintained in electronic media in the following locations for access by department members in the absence of Internet connectivity: the Office of the Chief of Police, the patrol sergeant common cubicle and the Communications Center.

3. Acknowledgement: Each department employee shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual, as well as all updates and revisions thereof. Such acknowledgement shall be made in the Lexipol Knowledge Management System. Department personnel shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

(b) Departmental Directives

1. Dissemination: Departmental Directives will be disseminated to department personnel in electronic format via electronic mail. Additionally, Departmental Directives will be maintained on the Pueblo Police Department Intranet site in electronic format for viewing, downloading and printing by department members. Departmental Directives will be maintained on the Pueblo Police Department Intranet site until such time as the provisions set forth therein have been permanently incorporated into the Policy Manual, at a minimum.

2. Storage: Departmental Directives will be stored on the Pueblo Police Department Intranet site in electronic format for viewing, downloading and printing by department members. Departmental Directives will be stored on the Pueblo Police Department Intranet site until such time as the provisions set forth therein have been permanently incorporated into the Policy Manual. Additionally, Departmental Directives will be maintained in electronic media in the following locations for access by department members in the absence of Internet connectivity: the Office of the Chief of Police, the patrol sergeant common cubicle and the Communications Center.

3. Acknowledgement: Department personnel shall acknowledge by the designated means (i.e., by written signature or electronic mechanism) indicating receipt and review of each Departmental Directive issued by the Chief of Police, as well as all updates and revisions thereof. The designated means of acknowledgement will be determined at the time of dissemination. Department personnel shall seek clarification as needed from a supervisor for any provisions that they do not fully understand.

(c) Special Orders

1. Dissemination: Special Orders will be disseminated to affected department personnel in electronic format via electronic mail. Additionally, Special Orders will be maintained on the Pueblo Police Department Intranet site in electronic format for viewing, downloading and printing. Special Orders will be maintained on the Pueblo Police Department Intranet site until such time as they expire, at a minimum.

2. Storage: Special Orders will be stored on the Pueblo Police Department Intranet site in electronic format for viewing, downloading and printing. Special Orders will be stored on the Pueblo Police Department Intranet site until such time as

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they expire, at a minimum. Additionally, Special Orders will be maintained in electronic media in the following locations for access by department members in the absence of Internet connectivity: the Office of the Chief of Police, the patrol sergeant common cubicle and the Communications Center.

3. Acknowledgement: Affected department personnel shall acknowledge by the designated means (i.e., by written signature or electronic mechanism) indicating receipt and review of each Special Order issued by the Chief of Police, as well as all updates and revisions thereof. The designated means of acknowledgement will be determined at the time of dissemination. Affected department personnel shall seek clarification as needed from a supervisor for any provisions that they do not fully understand.

(d) Standard Operating Procedures (SOPs)

1. Dissemination: SOPs will be disseminated to affected department personnel in electronic format via electronic mail. At least one hard-copy version of each SOP manual will be stored in a centralized location within the work area of the affected individual work component for access by department members. Additionally, SOPs will be maintained on the Pueblo Police Department Intranet site in electronic format for viewing, downloading and printing by department members.

2. Storage: At least one hard-copy version of each SOP manual will be stored in a centralized location within the work area of the affected individual work component for access by department members. Additionally, SOPs will be stored on the Pueblo Police Department Intranet site in electronic format for viewing, downloading and printing by department members.

3. Acknowledgement: Department personnel assigned to individual work components that are governed by SOPs shall acknowledge by the designated means (i.e., by written signature or electronic mechanism) indicating receipt and review of said SOPs, as well as all updates and revisions thereof. The designated means of acknowledgement will be determined at the time of dissemination. Department personnel shall seek clarification as needed from a supervisor for any provisions that they do not fully understand.

103.8 PERIODIC REVIEW OF WRITTEN DIRECTIVES

The Chief of Police will ensure that the individual components of the written directive system are periodically reviewed and updated as necessary.

103.8.1 DECONFLICTION OF WRITTEN DIRECTIVES

New, proposed and revised written directives shall be reviewed prior to their promulgation or issuance to ensure they do not contradict or conflict with other existing department written directives or applicable law. The responsibility for conducting the review shall be as follows:

(a) Policy Manual – by the Policy Manual Administrator.

(b) Departmental Directive – by the Chief of Police.

(c) Special Order – by the Chief of Police.

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(d) Standard Operating Procedure – by the supervisor most directly responsible for the individual work component with SOPs.

In conducting the review, department members shall carefully examine all other department written directives that govern the same subject as that of the new, proposed or revised written directive to ensure that no conflicts or contradictions exist. Additionally, department members shall research applicable laws, including case law, to ensure that the new, proposed or revised written directive does not contradict or conflict with the applicable laws. Department members should seek assistance from the Law Department when appropriate in the conduct of legal research and the resolution of legal conflicts and contradictions. Should a conflict or contradiction be discovered, it shall be the responsibility of the department member conducting the review to reconcile the conflict or contradiction.

103.9 REVISIONS TO POLICIES AND PROCEDURES

All revisions to the Policy Manual will be provided to each department employee before the date the policy becomes effective. All revisions to SOPs will be provided to each affected department employee before the date the procedure becomes effective. Each employee will be required to acknowledge that he/she has received and reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all revisions to written directives.

Each captain will ensure that members under his/her command are aware of any applicable written directive revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Bureau Chief via the chain of command, who will consider the recommendations and forward them to the Chief of Police as appropriate. All department members suggesting revision of the contents of SOPs shall forward their written suggestions to the supervisor most directly responsible for the individual work component with the SOPs, who will consider the recommendations and forward them to the captain as appropriate.

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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 Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 ORGANIZATIONAL STRUCTURE

The organizational structure of the Pueblo Police Department consists of the following hierarchical levels:

- Pueblo Police Department – Managed by the Chief of Police
- Bureau – Managed by a Deputy Chief
- Division – Managed by a Captain
- Section – Supervised by a Sergeant
- Unit – Work group occupied by a single officer or civilian employee

200.3 BUREAUS

The Chief of Police is responsible for administering and managing the Pueblo Police Department. There are two bureaus in the Police Department:

- Services Bureau
- Operations Bureau

200.3.1 SERVICES BUREAU

The Services Bureau is commanded by the assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Services Bureau, including management of the Department budget. The Services Bureau consists of Administrative Services, the Special Services Division, the Support Services Division, the Community Services Division, the Criminal Investigation Division and the Special Investigation Division.

200.3.2 OPERATIONS BUREAU

The Operations Bureau is commanded by the assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Operations Bureau. The Operations Bureau consists of the Patrol Division and the Traffic Section.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Bureau Chief to act in the place of the Chief of Police.

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

(a) Operations Bureau Chief

(b) Services Bureau Chief

(c) Watch Commander

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. 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, any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4.3 ORDERS

Members are required to obey any lawful order of a superior, including any order relayed from a superior by an employee of equal or lesser rank.

200.4.4 UNLAWFUL AND CONFLICTING ORDERS

No member 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 affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy or other directive, 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 member is obliged to comply. Members 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.

The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

200.4.5 SPAN OF CONTROL

The number of subordinates assigned to a supervisor will be limited to a reasonable number which allows for effective direction, coordination, and control.

200.4.6 CHAIN OF COMMAND, SWORN OFFICERS

The chain of command for sworn officers of the Department will be as follows:

(a) Chief of Police

(b) Deputy Chief

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(c) Captain

(d) Sergeant

(e) Corporal or Patrol Officer

200.4.7 COMMAND PROTOCOL FOR ASSIGNED CALLS

The protocol of the Department will be that the officer assigned the call will be in charge unless:

(a) Relieved by a supervisor.

(b) Relinquished to a traffic officer who is assigned to or voluntarily accepts the responsibility at an accident scene.

(c) Relinquished to a detective who is assigned to or voluntarily accepts the responsibility at a crime scene.

The officer in charge of an incident will be responsible for securing and protecting the scene, documenting all entries of persons into the scene, and making arrangements for processing the scene in accordance with appropriate directives and standard operating procedures.

In all instances where a superior officer relieves a subordinate officer or detective, that superior officer will assume control and accept responsibility for the situation.

For single operations involving personnel of different functions/work components, command protocol will normally be the senior ranking member, unless command is determined by a specific directive. During such operations, occasions may arise requiring a supervisor to issue an order outside the chain of command. These orders will be carried out as if issued through the department member's normal chain of command. Although such powers are normally exercised where the department or law enforcement purpose is better served, or when the reputation of the department is jeopardized, command or supervisory personnel retain command powers over all subordinates within the department.

Major incidents or investigations will be the responsibility of the supervisor of the officer initially handling or assigned the call until such responsibility is relinquished to another supervisor or assumed by a higher ranking officer.

200.4.8 COMMAND PROTOCOL IN EXCEPTIONAL SITUATIONS/CRITICAL INCIDENTS

In exceptional situations, such as when a member of the command or supervisory structure is absent or incapacitated and neither they nor a competent authority has designated a specific person to act in their capacity, and it becomes necessary to do so, the determination as to who will assume that capacity will be made first by rank, then by time in that rank.

200.4.9 DELEGATION OF AUTHORITY

Inherent with delegated authority is the latitude to make decisions and take the necessary actions to satisfy the requirements of each assigned task. Commensurate with the authority, each employee will accept the responsibility for the use, misuse, or failure to use that authority.

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When authority is delegated, it shall be the responsibility of the supervisor to ensure that the subordinate being delegated the authority has the power to act and the ability to carry out the assignment. Correspondingly, no one shall be assigned responsibility for work without being delegated authority to direct the manner of its performance.

Although subordinates may be held accountable for their actions, nothing in this policy absolves the supervisor from ultimate responsibility and accountability for the supervision of subordinates and the use of the delegated authority.

200.5 ORGANIZATIONAL CHART

The organizational structure of the Department is depicted in an organizational chart. The chart will be updated whenever any applicable changes are made so that it will remain current.

See attachment: Organizational Chart.pdf

200.6 ANNUAL GOALS AND OBJECTIVES

On an annual basis, written goals and objectives shall be formulated and updated for the Department as well as for the Services Bureau and the Operations Bureau. The Chief of Police or his/her designee will be responsible for formulating and updating the Department's annual goals and objectives. The Deputy Chief assigned to each of the two bureaus will be responsible for formulating and updating each bureau's annual goals and objectives. The goals and objectives for the Department as well as for each of the two bureaus will be maintained on the Pueblo Police Department Intranet site so that they are available to all department members.

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Emergency Operations Plan

201.1 PURPOSE AND SCOPE

In compliance with the State of Colorado Emergency Operations Plan, the City has prepared or adopted an Emergency Operations Plan (CRS § 24-33.5-707). 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.

201.1.1 DEFINITIONS

Definitions related to this policy include:

Emergency Operations Plan – A combination of the Pueblo County, Colorado Emergency Operations Plan, the Pueblo Police Department Emergency Operations Plan and miscellaneous policies in the Policy Manual.

201.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on-duty may activate the Emergency Operations Plan in response to a major emergency.

201.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Pueblo Police Department 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.

201.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan will be maintained on the Department Intranet site. 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.

201.4 PLAN ADMINISTRATION

The Chief of Police or the authorized designee shall be responsible for the overall planning of the Department's participation in the Pueblo County, Colorado Emergency Operations Plan. As the Department's principal planner and advisor on critical incidents to the Chief of Police, the Tactical Commander will be responsible for planning the Department's response to critical incidents.

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201.4.1 UPDATING THE PLAN

The Tactical Commander 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. Revisions to the Pueblo County, Colorado Emergency Operations Plan must be coordinated through and made by the Pueblo County Sheriff's Office.

201.4.2 PLAN REVIEW

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

201.5 TRAINING

Documented annual training on the Emergency Operations Plan shall be conducted for all affected department personnel.

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Training

202.1 PURPOSE AND SCOPE

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

202.1.1 DEFINITIONS

Definitions related to this policy include:

In-service training – Training in addition to recruit training, which may include periodic retraining or refresher training, specialized training, career development, promotional training, advanced training, and shift briefing training.

202.1.2 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)).

202.2 PHILOSOPHY

The Department 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 Department will use courses certified by the Colorado POST Board or other regulatory or nationally recognized entities.

202.3 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 department personnel.

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

(d) Assist in compliance with statutory requirements.

202.4 ANNUAL IN-SERVICE TRAINING PROGRAM

All sworn officers are required to complete an annual in-service training program consistent with the position held and functions performed, inclusive of legal updates and firearms

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qualifications. The annual in-service training program shall satisfy, at a minimum, the training requirements established by the Colorado Peace Officer Standards and Training Board (POST).

The Training Sergeant shall be responsible for administering the annual in-service training program and incorporating such into his/her training plan.

202.5 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 department-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. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of certified officers or hiring of civilian employees.

Training listed may be provided in basic training programs. The Training Sergeant is responsible for ensuring members of the Department have been trained as required.

202.6 TRAINING NEEDS ASSESSMENT

The Training Section will conduct an annual training needs assessment. The needs assessment will form the basis for the training plan for the following calendar year.

202.7 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:

1. Court appearances
2. First and second choice vacation
3. Sick leave
4. 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. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

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202.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the 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 Lexipol Administrator.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Lexipol Administrator. 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 Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees assigned to participate in the DTB program shall complete all DTBs for each month by the end of the seventh day on the following month (e.g., January DTBs must be completed by 2359 hours on February 7th) unless prior approval is obtained by the employee's supervisor or the employee is on extended leave. Personnel will 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.

202.9 TRAINING RECORDS

The Training Section is responsible for the creation, filing and storage of all training records. Upon completion of a training program, department members shall forward an electronic copy of their participation/completion records (e.g., training certificate) to the Training Section. The Training Section shall update the training records of department members following their participation in training programs. Training records shall be retained in compliance with the current records retention schedule.

202.10 FIELD TRAINING PROGRAM

The Department shall establish and maintain 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 Department. The program shall establish procedures for the selection, appointment and training of training officers and supervisors, the daily evaluation of recruits participating in the program and the rotation of recruits to provide for the objective evaluation of their performance. See the Police Training Officer Program Policy for further information.

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202.11 SPECIALIZED TRAINING

Captains supervising specialized assignments shall arrange for newly assigned personnel to receive training, and periodic retraining, as is deemed necessary, to develop and/or enhance skills, knowledge and abilities particular to the specialized assignment. Such training may be conducted within the specialized unit, at approved outside sources, or by arrangement with the Training Section. Documentation of all such training shall be forwarded to and maintained by the Training Section.

202.12 REMEDIAL TRAINING

Remedial training is an important component of the Pueblo Police Department's overall training program. Applied to a skills area such as driving or firearms, it provides the instructor with the ability to break the skills area down into its basic foundational components for the purpose of helping the employee identify the cause or source of his/her performance deficiencies. Applied to an academic subject matter, it allows the instructor to provide personalized instruction to the employee for the purpose of improving the employee's understanding of the subject matter and application of related principles. The result of successful remedial training is increased employee retention and improved service delivery to the public.

Remedial training differs from corrective instruction, which is an immediate adjustment by, or coaching from, an instructor or supervisor for the purpose of correcting or improving minor performance deficiencies. To the contrary, remedial training is a formal training function carried out by certified instructors in a formal training environment for the purpose of correcting significant performance deficiencies.

Remedial training will be provided as deemed necessary and appropriate to personnel who fail to demonstrate an acceptable level of performance and knowledge in any given subject matter. Employees who are identified as requiring remedial training shall fully participate in such training. Failure of an employee to participate in required remedial training may be grounds for disciplinary action.

In the absence of extenuating circumstances, remedial training will be provided within eight working days from the date the deficiency is identified. Remedial training shall be documented via a lesson plan and written curriculum, followed by the outcome of the training.

202.13 OUTSIDE SCHOOLS AND TRAINING SESSIONS

Requests to attend any approved school will be evaluated utilizing the following criteria:

(a) The candidate's assignment

(b) The candidate's previous training and interest

(c) The candidate's length of service with the Department and projected future service with the Department

(d) Available funding in the Department's budget

(e) Other considerations deemed applicable on an individual basis

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Individual schools will be selected through utilization of such criteria as quality, cost, length, travel costs, etc. Nothing in this section is intended, nor should it be construed to create any entitlement whatsoever, with respect to attendance at any school or training.

202.14 ADVANCED TRAINING

The term "advanced training" as used in this section refers to the type of training offered at the FBI National Academy, the FBI Law Specialist School, the Southern Police Institute, the Northwestern University Traffic Institute, and other such advanced training facilities. Personnel who meet the following qualifications may submit a written request through the chain of command to the Chief of Police to attend any advanced training course:

(a) The member must have completed five years of service with the Pueblo Police Department,

(b) The member must have attained at least the rank of Police Sergeant or equivalent, and

(c) The member must meet all academic, physical, medical and background requirements established by the agency providing the training.

The final decision regarding selection and attendance shall be that of the Chief of Police.

202.15 CIVILIAN PERSONNEL TRAINING

Immediately after being accepted for employment with the Pueblo Police Department, all civilian (non-sworn) personnel shall be provided with training which shall include, at a minimum, the following:

(a) Orientation to the Department's purpose, mission, goals, objectives, policies, and procedures.

(b) Orientation to the Department's orders, rules, regulations, instructions, and working conditions.

(c) Responsibilities and rights of employees, expectations of management, etc.

(d) Orientation to the particular job they are to perform, methods and procedures.

Captains are responsible for providing said training in a manner consistent with the requirements of this manual. Dispatchers and civilian personnel assigned to specialized units (Criminal Investigation Division, Identification Section, Narcotics Section, etc.) in which specialized tasks must be performed, shall be provided additional training applicable to the particular functions they must perform. Dispatchers shall be completely and thoroughly oriented to, and tested in, radio procedure prior to assuming duties in the Communications Center. Specialized training may be provided within the units of assignment at an approved outside training facility or by arrangement with the Training Section. Documentation of all civilian employee training shall be forwarded to and maintained by the Training Section.

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202.16 OUTSIDE TRAINING REQUESTS

Employees who wish to attend outside training shall submit the following to the Chief of Police, via chain of command, in an electronic format via email:

(a) Official informational literature or flyers pertaining to the training, if available,

(b) An Advance Travel Request Form, and

(c) An Outside Training Request Form.

Requests to attend outside training will be considered by the Chief of Police and then forwarded, with an approval/disapproval, to the appropriate Bureau Chief for notification of the affected employee, and to the Training Section for record maintenance. In keeping with concerns for employees' personal lives and sleep cycles as well as generally accepted rest requirements for optimal learning, employees will generally not be approved to attend outside training and work their normal shift. The employee should either attend training on a given day, or work their shift, but not both. Captains are encouraged to substitute training hours for normal shift hours, where manpower requirements allow. The decision to approve or decline any given training will be based on information contained in this package as well as on any of the criteria set forth in this policy.

All required forms will be maintained on the Department's Intranet site.

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Electronic Mail and Telecommunications

203.1 PURPOSE AND SCOPE

All Department employees must be familiar, and comply with the Citywide Information Technology Policy ("IT Policy"). The purpose of this policy is to summarize the guidelines more specifically set forth in the IT Policy for the proper use and application of the electronic mail (email) system and telecommunication system provided by the Department. This policy is not meant to replace the IT Policy and should any provisions of this policy conflict with the IT Policy, the IT Policy shall control.

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 the IT Policy as well as generally accepted business practices and current law. 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 Department.

203.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the department networks or through a web browser accessing the department system are considered department records and therefore are the property of the City. Pursuant to the provisions of the IT Policy, the Department 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.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternate method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

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

203.3 RESTRICTIONS ON USE OF EMAIL

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

Email messages addressed to the entire department 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 his or her supervisor. Personal advertisements or announcements are not permitted.

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

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or secure the workstation when the computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password.

203.4 MANAGEMENT OF EMAIL

Email shall be considered official department correspondence. Department members are responsible for reading their e-mail and responding when appropriate. Department members shall read their email one time per shift, at a minimum, and send required responses in a timely manner.

Because the end user 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 purged manually by the user on a regular basis. The City will purge messages pursuant to the IT Policy.

Email may, depending upon the individual content, be a record open for inspection or release to the public pursuant to the Colorado Open or Criminal Justice Records Acts (CRS § 24-72-201 et seq. and -301 et seq., respectively) and must be managed in accordance with the established records retention schedule and in compliance with state law.

The IT Department shall ensure that email messages are retained and recoverable in accordance with the IT Policy.

203.5 UNION POSTINGS

Notwithstanding any provision of this policy to the contrary, the recognized collective bargaining agent for police officers acting by and through its President or designee thereof shall be allowed to submit email messages addressed to the entire Department for the limited purpose of providing the following types of notice:

(a) Notice of Union meetings;

(b) Notice of Union elections;

(c) Notice of Union appointments and results of Union elections; and

(d) Notice of Union recreational or social affairs.

Any such notice shall be submitted for review of and approval by the Chief of Police for compliance with the foregoing limitations prior to it being distributed.

203.6 TELECOMMUNICATION SYSTEM

The telecommunication system (telephones) provided by the Department are another communication tool available to employees to enhance efficiency in the performance of job duties. The system is to be used in accordance with the IT Policy as well as generally accepted business practices and current law.

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Electronic Mail and Telecommunications

Many department members have either a telephone or a virtual telephone number assigned to them that allows the public and members of the Department to leave voicemail messages. Department members are responsible for checking their voicemail and responding when appropriate. Department members shall check their voicemail one time per shift, at a minimum, and respond in a courteous and timely manner. Department members shall verbally identify themselves whenever receiving or placing a telephone call in an official capacity, or whenever asked, unless doing so would hamper an investigation.

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Administrative Communications

204.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

204.2 DEPARTMENT E-MAILS

Department emails may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

204.3 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Internal correspondence should use appropriate memorandum forms and / or email. These may be from line employee to employee, supervisor to employee or any combination of employees.

204.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee or a Bureau Chief.

204.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee or Bureau Chiefs.

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Supervision Staffing Levels

205.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department 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 Department.

205.2 MINIMUM STAFFING LEVELS

Minimum staffing levels shall generally apply to the Patrol Division and shall be left to the discretion of the Watch Commander or higher authority.

205.2.1 SUPERVISION DEPLOYMENTS

It shall be the policy of this Department to fill the below critical positions, when necessary, in the absence of regular assigned personnel for these positions:

(a) Patrol Watch Commander

(b) Patrol Sergeant

When a foreseeable absence is to occur in any of the above positions for two or more shifts of duty, the positions will be filled by qualified personnel in an acting capacity and in conformance with Department directives.

In all other divisions and sections within the Department, the Bureau Chief will determine the need for an acting commander or supervisor. The Bureau Chief's decision will be based on the need for command decisions or supervision during the short-term absence as well as other considerations (e.g., the projected length of time the commander or supervisor will be absent, the availability of personnel and the ability of other commanders to absorb the additional supervisory or command responsibilities).

During the normal off-duty hours of commanders and supervisors in all sections or divisions which are operational more than one shift, the administrative, supervisory and command responsibilities will be absorbed by a patrol sergeant and/or Watch Commander. The patrol sergeants and Watch Commanders cannot be expected to have expertise in all areas of the Department, and in cases where the need for an operational decision exists, assistance should be sought from other supervisors or from higher command authority.

205.2.2 ESSENTIAL PERSONNEL

During times in which inclement weather or other emergencies exist, the Office of the Mayor or the Chief of Police may declare that only essential personnel report for duty. For the purpose of this policy, essential personnel are defined as follows:

(a) Sworn police officers, regardless of rank or assignment.

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(b) Civilian employees assigned to the Communications Center.

All other employees will be considered non-essential personnel during such declarations issued by the Office of the Mayor or the Chief of Police.

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Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the policy of the Pueblo Police Department regarding concealed weapon permits for retired officers.

206.2 QUALIFIED RETIREES

The Pueblo Police Department will not issue, monitor, manage, suspend or revoke concealed weapon permits to/for retired officers. Retired officers residing in the City of Pueblo are directed to the Pueblo County Sheriff's Office for all aspects of concealed weapon permits, including application, qualification and renewal.

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Chapter 3 - General Operations

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Use of Force

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 member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

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.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

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.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Reasonable belief - The officer had an honest and good faith belief, based upon facts and circumstances within such officer’s knowledge, which would persuade a reasonable person to that belief, that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury and that it was necessary to use deadly physical force in order to prevent such serious bodily injury or loss of life.

Serious bodily injury - An injury that presents a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

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.

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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 Pueblo Police Department 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 AND REPORT

Any member present and observing another member or public safety associate using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any member who observes another member or public safety associate use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor, as soon as feasible.

300.2.2 ADDITIONAL INTERVENTION AND REPORTING

An officer shall also intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force permitted by CRS § 18-1-707.

An officer who witnesses another peace officer using force in excess of that permitted by CRS § 18-1-707 shall report such use of force in writing to the officer's immediate supervisor. Such report shall be within 10 days of the occurrence and include the date, time, and place of the occurrence, the identities, if known, and description of the participants, and a description of the events and the force used (CRS § 18-8-802).

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Personnel shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the member at the time of the event to accomplish a legitimate law enforcement purpose, and shall apply de-escalation techniques when possible. Additionally, when it is objectively reasonable that a subject is fully in law enforcement’s control, then the force must terminate.

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.

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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 this department. 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.

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 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

An officer should apply nonviolent means, when possible, and may use physical force only if nonviolent means would be ineffective to effect an arrest, prevent an escape, or prevent an imminent threat of serious bodily injury or death to officers or others (CRS § 18-1-707).

Officers should only use that degree of force consistent with the minimization of injury to others (CRS § 18-1-707).

Officers shall not apply force in excess of the force permitted by CRS § 18-1-707 to a person who has been rendered incapable of resisting arrest (CRS § 18-8-803).

300.3.3 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 (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

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(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

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

(i) The availability of other reasonable and feasible options and their possible effectiveness.

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

(k) Training and experience of the officer.

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

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

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

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

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

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-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 individual can comply with the direction or orders of the officer.

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

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

Refer to the Control Devices and Techniques Policy for further direction on pain compliance techniques.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration

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or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Pueblo Police Department for this specific purpose.

300.3.6 PROHIBITION ON CHOKEHOLDS

An officer is prohibited from using a chokehold upon another person. A chokehold is defined as a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible. It also includes pressure to stop the flow of blood to the brain via the carotid arteries (CRS § 18-1-707).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts or that doing so would unduly place officers or other persons at risk of injury or death (CRS § 18-1-707).

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) Deadly force may only be used when an officer reasonably believes the action is in defense of any human life in imminent danger 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 individual 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 individual 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 that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to 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 there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

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

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the TASER ® device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

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

(h) An individual was pushed or shoved.

(i) An individual was struck or kicked.

(j) An individual was taken to the ground.

(k) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 RENDERING MEDICAL AID

Appropriate medical aid shall be rendered as quickly as reasonably possible following any law enforcement action that results in a person sustaining an injury, exhibiting signs of physical distress, expressing a complaint of injury or continuing pain, or being rendered unconscious. Appropriate medical aid may include but is not limited to increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, or evaluation by an emergency medical services provider or medical personnel at a hospital or jail. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Whenever practicable, members should take appropriate steps to provide initial medical aid in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so. Prior to initiating medical aid, the

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member should contact the Communications Center and request response by emergency medical services (EMS) as the member deems appropriate. Refer to the Control Devices and Techniques Policy for treatment guidelines following the exposure of a person to oleoresin capsicum spray, the Conducted Energy Device Policy for treatment guidelines following application of a TASER device on a person, and the Medical Aid and Response Policy for guidelines on the use of automated external defibrillators.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

A member shall activate the emergency medical system when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious. The procedure for activating EMS is to contact the Communications Center and request such activation. When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

    1. Signs and symptoms as observed by the member.

    2. Changes in apparent condition.

    3. Number of patients, sex and age, if known.

    4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.

    5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

Refer to the Medical Aid and Response Policy for additional guidelines.

300.6.1 ADDITIONAL MEDICAL CONSIDERATIONS

Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

If an 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.

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The on-scene supervisor or, if the on-scene supervisor is 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).

Individuals 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.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(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) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify and interview any witnesses not already included in related reports.

(f) Review all body-worn camera recordings that captured the incident.

(g) Review and approve all related reports.

(h) Determine if there is any indication that the individual may pursue civil litigation.

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1. If there is an indication of potential civil litigation, the supervisor should document such in the Response to Aggression/Resistance Report.

(i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

(j) Complete the required Response to Aggression/Resistance Report.

(k) Submit entire package to his/her immediate supervisor for review within fourteen calendar days from the date of the incident. In the event that special circumstances cause a delay in the completion and submission of the package, additional time to complete and submit the package may be authorized by his/her immediate supervisor with advanced notice.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8 ADMINISTRATIVE REVIEW

Every use of force incident shall be administratively reviewed. The administrative review should indicate whether policy, training, equipment or disciplinary issues should be addressed. Administrative reviews are originated by the immediate supervisor of the department member who uses force, as set forth in the section of this policy governing supervisor responsibilities. The immediate supervisor shall review the incident and document such in the Response to Aggression/Resistance Report. The Response to Aggression/Resistance Report, along with any other related reports, photographs and documentation, shall then be forwarded to and reviewed by each level of supervision in the chain of command, up to the Chief of Police. Each recipient in the review process may either concur with the findings or determine that further investigation is required. The Chief of Police will make the final determination as to whether the individual use of force incident is within department policy. Completed administrative reviews shall be forwarded to and retained by the Internal Affairs Section in accordance with department policy.

300.9 TRAINING

Officers will receive training on this policy during annual in-service training and demonstrate their knowledge and understanding. The training shall include a review of conditional terms contained within the policy.

Subject to available resources, officers should receive periodic training on:

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including alternatives to force.

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300.10 ANNUAL USE OF FORCE ANALYSES

Annually, the Internal Affairs Section shall conduct a documented analysis of the Department's use of force activities, policies and practices. The purpose of the annual analyses is to identify any existing patterns or trends that could indicate training needs, equipment upgrades and/or policy modifications.

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Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Pueblo Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Pueblo Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

The following restraint devices are approved by the Department:

- Handcuffs, including temporary nylon or plastic cuffs (also known as flex-cuffs)
- Transport belts
- Waist or belly chains
- Transportation chains
- Leg irons
- Hobbles

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 a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 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.

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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.

301.3.2 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 and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

301.3.3 RESTRAINT OF JUVENILES

Officers are generally permitted to restrain juveniles in the same manner as adults. Officers should consider the following factors when deciding whether or not to handcuff juveniles:

(a) The seriousness of the crime

(b) The juvenile's demeanor

(c) The juvenile's desire or risk of escape

(d) The juvenile's desire to injure him/herself

(e) The juvenile's desire to destroy property

(f) Safety concerns to the public or the officer

Officers should use the least restrictive among reasonable alternatives when deciding whether or not to restrain juveniles. Refer to the Temporary Custody of Juveniles Policy for further guidance on the proper application of restraints on juveniles.

301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the detention facility staff upon arrival at the detention facility 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 detention facility.

301.3.5 SECURING INDIVIDUALS TO FIXED OBJECTS PROHIBITED

Officers are prohibited from restraining individuals by securing them to fixed objects.

301.3.6 HOGTIE RESTRAINTS PROHIBITED

Officers are prohibited from using “hogtie” restraints on any person. Hogtie restraints, as defined by the United States Court of Appeals, Tenth Circuit, in Cruz v City of Laramie, Wyoming, is the binding of the ankles to the wrists, behind the back, with 12 inches or less of separation. The Court ruled that hogtie restraints are prohibited when the individual’s diminished capacity is apparent.

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In its ruling, the Court stated, “This diminished capacity might result from severe intoxication, the influence of controlled substances, a discernible mental condition, or any other condition, apparent to the officers at the time, which would make the application of a hogtie restraint likely to result in any significant risk to the individual’s health or well-being. In such conditions, an individual’s condition mandates the use of less restrictive means for physical restraint.” In light of the ruling in Cruz v City of Laramie, Wyoming, hogtie restraints are prohibited in all cases. To further ensure compliance with the Court’s ruling, department members are prohibited from binding a person’s ankles to his/her wrists, behind his/her back, regardless of the length of separation between the ankles and wrists.

301.4 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 Department. 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.

In most situations handcuffs should be applied with the hands behind the person’s back. When feasible, 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.

301.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks 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.

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

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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 and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those 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.

Only spit hoods/masks/socks approved by the Department shall be used.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains and leg irons. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 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 Department 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).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) 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.

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(c) 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.

(d) 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.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) 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).

301.8 TRANSPORTING PERSONS IN CUSTODY

The control and transportation of persons who are under arrest are frequent activities performed by law enforcement officers. It is imperative that such activities are performed with provision for the safety and security of the officer, the public and the person in custody. The procedures set forth in this section have been established to provide direction concerning the proper handling, restraint and transportation of persons in custody.

Refer to the Seat Belts Policy, the Custodial Searches Policy and the Vehicle Use Policy for direction on the application of seat belts and the searching of persons in custody/transport vehicles during transportation situations.

301.8.1 TRANSPORTING PERSONS OF THE OPPOSITE SEX

Ideally, persons in custody will be transported by an officer of the same sex. When this is not feasible, however, the transporting officer shall notify the Communications Center of the starting point, destination, unit number and beginning mileage before beginning the transport of the person in custody. Upon arrival at the stated destination, the officer shall notify the Communications Center of the ending mileage of the transport.

301.8.2 RESTRAINING PERSONS DURING TRANSPORT

Persons in custody who are physically disabled, sick, injured, or mentally ill or impaired, may warrant special consideration. However, officers should not assume that restraints are not required. In determining the appropriate restraints to be applied, officers should consider the person's charges, criminal history, attitude and escape risk, and the extent and nature of the disability, injury, illness or mental condition. The restraining of such persons in custody will be at the discretion of the transporting officer, with the most important consideration being the safety of the officer and the person in custody. In all cases, regardless of whether or not the person in custody is restrained, he/she shall wear a properly adjusted seat belt while being transported, in compliance with the Seat Belts Policy.

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The type of vehicle used in transporting non-ambulatory persons should be given careful consideration. It may be necessary to carry the person's wheelchair, crutches, prosthetic appliances, medications, etc. Depending on the person's needs, it may be necessary to require the assistance of medical personnel and medical equipment (e.g. ambulance) to complete the transport of a disabled person.

Persons in custody shall not be shackled to stationary objects on the vehicle during transport. Persons in custody whose background or behavior indicates a safety or escape risk may be restrained with auxiliary restraint devices in compliance with this policy. No restraint shall be knowingly applied in such manner as to aggravate illness, injury or disability. If a person in custody is to be transported by vehicle over a period of several hours, an auxiliary restraint device should be employed to eliminate the prolonged discomfort of being handcuffed behind the back.

301.8.3 NOTIFICATION OF SECURITY HAZARDS

An officer transporting a detainee who is considered an unusual security risk shall notify the Communications Center. The Communications Center shall then notify the receiving agency or court of the unusual security risk. The notification should be made in a timely manner so as to allow the receiving agency or court adequate time to make appropriate preparations.

301.8.4 ARRIVAL AT DESTINATION FACILITY

An officer who transports a detainee shall take the following actions upon arrival at the receiving facility:

(a) The transporting officer shall identify himself/herself as a law enforcement officer and state that he/she is from the Pueblo Police Department.

(b) The transporting officer shall comply with the receiving facility’s policy governing firearm and weapon storage.

    1. If the receiving facility provides a firearm locker, then the transporting officer shall secure his/her firearm(s) and weapons in a firearm locker.

    2. If the receiving facility does not provide a firearm locker, but also does not allow firearms and weapons in the facility, then the transporting officer shall secure his/her firearm(s) and weapons in his/her vehicle.

    3. If the receiving facility allows law enforcement officers to retain their firearms and weapons, then the transporting officer shall retain his/her firearm(s) and weapons in his/her possession.

(c) Upon entry into the receiving facility’s intake area, the transporting officer shall transfer custody of the detainee to a member of the receiving facility. The receiving member will be responsible for the removal of restraints from the detainee. The transporting officer will collect the restraints from the receiving member after they have been removed from the detainee.

(d) The transporting officer shall deliver the necessary documentation, including booking information and criminal charges, to the receiving member.

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(e) The transporting officer shall notify the receiving facility of any potential medical or security risks that are known to the transporting officer. The release or transfer of medical information shall comply with controlling legislation.

(f) The transporting officer shall collect written documentation from the receiving member confirming the transfer of custody.

301.8.5 TRANSPORT TO A MEDICAL FACILITY

It is the arresting officer's responsibility to ensure that any illnesses or injuries are treated prior to incarcerating the person in custody. If the arresting officer is not transporting the person in custody, the arresting officer shall notify the transporting officer of the person's illness or injuries. The transporting officer, upon notification, shall become responsible for obtaining medical treatment for the person in custody.

The officer having custody of the person in custody should remain with the person at all times during the examination and treatment. The officer should:

(a) Never remove the restraints from the person in custody unless the restraints interfere with the treatment, and the physician or staff requests removal of the restraints.

(b) When removing restraints, the officer shall use the utmost caution and only remove those restraints necessary for effective medical examination and treatment. In some cases, alternative restraints may be appropriate.

(c) Upon completion of the treatment, the officer shall replace the restraints on the person in custody.

If the required medical treatment restricts the officer's access to the person in custody, or restricts the officer's use of the restraints on the person in custody, the officer shall comply with the attending physician's directions after the physician has been advised of safety concerns. If the person in custody is, in the officer's opinion, a risk to the officer's safety or the safety of the medical staff, or he/she may escape, the officer should notify his/her supervisor and request a second unit.

During medical transports, the officer shall be especially aware of his/her firearm(s) and protect such at all times.

The officer shall obtain all appropriate paperwork, medical release and instructions, and medication from the medical facility when the treatment is completed and/or the person in custody is discharged. If the person in custody is to be incarcerated, the transporting officer shall ensure all paperwork (e.g., affidavit), medical paperwork and medication is turned over to the receiving personnel at the jail or housing facility.

If the person in custody refuses medical treatment, this shall be so noted on the medical clearance form.

The officer should include in his/her report:

(a) A description of any injuries, and a detailed explanation of how the injuries occurred. If unknown, state so and explain (e.g., the person had injury prior to police contact);

(b) Photos of injuries, if appropriate;

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(c) Medical treatment provided; and

(d) The name of the physician who treated the person, and the place, date and time medical treatment was provided.

If the person in custody is to be admitted into the medical facility, the officer having custody of the person shall notify his/her supervisor. The officer shall advise his/her supervisor of the medical facility, room number, the person's condition, criminal charges for which the person was arrested, and reason for admission. The Watch Commander will determine if a guard will be posted on the person in custody. If the Watch Commander directs that the person in custody is to be guarded, the officer having custody of the person shall do the following:

(a) Initially, restrain the person in custody according to the provisions set forth in this policy. The officer shall then consult with his/her supervisor for a determination regarding what specific types of restraint(s) (e.g., leg irons, waist chains, handcuffed to stationary object, etc.) will be used for the duration of the person's stay at the medical facility. The person in custody shall be restrained at all times, with the following exceptions:

1. Restraints may be removed when necessary for medical treatment. In such cases, officers shall follow the provisions set forth above within this subsection.

2. Restraints will be removed when the person in custody needs to use the restroom facilities, if necessary.

(b) Conduct a safety sweep of the person's room, including the following:

1. Remove any hazardous or potentially hazardous items that are within reach of the person in custody,

2. Remove the telephone, and

3. Search the room to ensure nothing was left or placed in the room.

(c) Remain in the room with the person in custody at all times. If the nature of any medical treatment restricts the officer's access to the person in custody, the officer shall follow the provisions set forth above within this subsection.

(d) Notify the medical facility staff of the following:

1. The person in custody is not allowed to have any unauthorized visitors or telephone calls.

2. No information is to be released by the medical facility concerning the person's admission or status.

3. If outside persons attempt to gain information or visit the person in custody, medical facility staff are asked to notify police.

4. All meals must be served with plastic or paper utensils (no metal). The officer shall check all meal trays to ensure that all plasticware is accounted for.

(e) Notify the Watch Commander of any requests for visitation by outside persons. The Watch Commander will make a determination on all visitation on a case-by-case basis.

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1. Visitation of adults who are in custody at a medical facility will only be allowed to provide reasonable access to the arrestee's attorney and/or a member of the arrestee's immediate family. Friends and associates have no right to access.
2. Visitation of juveniles who are in custody at a medical facility will only be allowed to provide reasonable access to the juvenile's attorney and/or the juvenile's parents or guardians. A parent or guardian may accompany the health care providers into the room. Access to the juvenile may be limited to the times medical procedures are being discussed between the providers and the parent/guardian.
3. With the exception of privileged conversations with attorneys, officers shall be present in the room and monitor conversations the person in custody has with other individuals.
4. Only one visitor is allowed with the person in custody at a time.

(f) Notify the Watch Commander of any requests for telephone calls by the person in custody. The Watch Commander will make a determination on all telephone calls on a case-by-case basis.

1. Every person held in custody is entitled to make a reasonable number of completed telephone calls as soon as possible after arrival at the police station, sheriff's office, jail, or other like confinement facility (CRS § 16-3-402). For the purpose of this policy, a medical facility is considered a confinement facility.
2. Officers shall monitor telephone calls the person in custody has with other individuals.
3. Calls between a person in custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

(g) Pass on all important updates on the person in custody to his/her relief officer, including any changes in medical status, changes in behavior, visitation attempts, etc.

(h) Notify his/her immediate supervisor of the following:

1. The in-custody person's discharge date and time (when known), and whether or not a second officer will be needed for transport,
2. Any changes in the in-custody person's medical status,
3. Any chan ges in the in-custody person's behavior,
4. Visitation attempts by outside persons, and
5. Any other pertinent information.

301.8.6 DETAINEE ESCAPE FROM CUSTODY DURING TRANSPORT

This subsection provides guidance regarding the escape of a detainee while in custody during transport. It is the policy of the Pueblo Police Department to safely and securely transport detainees from one location to another while ensuring the safety of the public.

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Officers attempting to prevent the escape or apprehend an escapee 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.

In the event of an escape, the transporting officer shall take the following actions:

(a) Immediately notify the Communications Center of the escape. The transporting officer shall air the following information:

1. Escapee's description
2. Escapee's direction and method of travel
3. Whether or not the escapee is armed
4. Any criminal charges for which the escapee was being detained

(b) Take action and attempt to apprehend the escapee. All available officers should respond to assist in locating and apprehending the escapee, as directed by a supervisor.

(c) In the event the transporting officer is transporting the detainee to another jurisdiction and the detainee escapes, the transporting officer shall notify the Communications Center and local authorities to request assistance in locating and apprehending the escapee.

(d) If the escapee is apprehended, the transporting office should either issue a municipal citation or refer escape charges to the Pueblo County District Attorney's Office. If the apprehended escapee is booked into a jail or housing facility, the transporting officer shall add the appropriate charges to the charging document and prepare an affidavit.

(e) If the escape is successful, the transporting officer shall file the appropriate paperwork with either the Pueblo Municipal Court or the Pueblo County District Attorney's Office to ensure an arrest warrant is issued for the escapee and the proper criminal charges are filed.

(f) **In any event, regardless of whether the escape attempt was successful or the escapee was apprehended, the transporting officer shall prepare a case report documenting the circumstances of the escape** .

Upon being notified of an escape, the Communications Center shall be responsible for:

(a) Announcing an alert to all available units and providing a clear radio channel for use by the officers attempting to apprehend the escapee.

(b) Notifying the Watch Commander and other supervisors, and directing the appropriate resources to immediately respond to the area of the escape to prevent the escape and/or assist with the search/apprehension.

(c) Initiating notifications in accordance with the Major Incident Notification Policy and Communications Center procedures, including the notification of local agencies, if warranted.

(d) If the escape is successful, the Communications Center should notify local agencies of information related to the escape, including a physical description of the escapee,

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the reason for detention, whether or not the escapee is armed, and whether or not there were any injuries related to the escape. At the request of the Watch Commander, a Colorado Crime Information Center (CCIC) teletype will be sent to surrounding agencies and jurisdictions.

(e) Once the escape has been thwarted, the Communications Center shall announce, via radio, the end of the alert and resolution of the incident. The Communications Center shall also notify local agencies of the apprehension if they were initially notified of the escape. If a CCIC teletype was previously sent, a follow-up CCIC teletype shall be sent to surrounding agencies and jurisdictions that the escapee has been apprehended.

301.9 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.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.

301.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

(e) Use of pain compliance techniques while a subject is handcuffed, and the need to cease the application of such techniques when compliance is achieved.

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Control Devices and Techniques

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices and the use of weaponless control techniques (techniques herein) that are described in this policy.

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Pueblo Police Department authorizes officers to use control devices and techniques in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES AND TECHNIQUES

Only control devices, munitions and techniques authorized by the Department shall be carried and/or used by department members in the performance of their responsibilities. The Training Section shall maintain a list of authorized control devices and munitions.

Only officers who have successfully completed department-approved training in the use of any control device or technique are authorized to carry and use the device or technique.

Only officers who have demonstrated proficiency in the use of department-authorized control devices and techniques are approved to carry and use such devices and techniques. Demonstrated proficiency includes achieving a minimum qualifying score on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized control devices and knowledge of department policies governing use of force, escalating force and deadly force; and being familiar with recognized safe-handling procedures for the use of these control devices. The instruction on and qualification with all control devices and techniques shall be provided by a certified instructor.

Control devices and techniques 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 or technique appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices and techniques.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.4 RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Individual department members who are qualified as weapons instructors for specific control devices and munitions will be designated as liaisons for such control devices and munitions. These individuals will control the inventory and issuance of the control devices and munitions for which they are responsible, including maintaining a record of each control device approved by the

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Department for use, and shall ensure that all unsafe, damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

302.5 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.

Department members are not required to carry batons. Uniformed personnel who choose to carry batons on their person shall carry the baton in its authorized holder on the equipment belt.

Only the 26 inch straight baton (wood or polycarbonate) or the telescopic baton (up to 26 inches) are authorized for daily use. The Tactical Commander, or his/her designee, may authorize the short-term distribution of department-owned 36 inch batons for deployment in riot control situations, to be used as part of the larger riot control gear package. Straps or thongs shall not be attached to the baton, nor shall it be modified in any way. The carrying, use or possession while on-duty or in department facilities of any other baton or device in lieu of the approved batons is prohibited.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Tactical Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

302.7 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.

302.7.1 OC SPRAY

Uniformed personnel in field assignments shall carry OC spray. OC spray shall be carried in a holster 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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302.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 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 cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

302.9 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.

302.9.1 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.

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.

302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

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(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.

302.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers carrying kinetic energy projectile shotguns will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

302.9.4 PROTEST OR DEMONSTRATION CONSIDERATIONS

In response to protests or demonstrations, officers should not discharge kinetic energy projectiles in a manner that intentionally targets the head, neck, pelvis, or back of any person (CRS § 24-31-905).

Officers shall not indiscriminately discharge kinetic energy projectiles into a crowd (CRS § 24-31-905).

302.10 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-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.

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(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 discontinued once the officer determines that compliance has been achieved.

302.11 CAROTID CONTROL HOLD

Use of the carotid control hold involves risk of serious injury or death to the subject, and is therefore prohibited.

302.12 REVIEW, INSPECTION AND APPROVAL OF CONTROL DEVICES AND MUNITIONS

The procedure for the review, inspection and approval of new personally-owned control devices and munitions to be carried and used by department members in the performance of their responsibilities is as follows:

(a) The department member intending to carry and use the control device or munition shall contact the designated department liaison for the specific category of control device or munition.

(b) The department liaison will conduct a review and inspection of the control device or munition, who shall ensure that it exhibits mechanical stability, meets standards of safety, and is on the department list of approved control devices and munitions.

(c) Provided the control device or munition exhibits mechanical stability, meets standards of safety and is on the department list of approved control devices and munitions, it shall be considered approved for carry and use by the submitting officer.

(d) The department liaison shall maintain a record of each approved control device or munition.

(e) Control devices and munitions that are deemed to be unsafe or not in good working order will not be approved by the department liaison, and the submitting officer will not be authorized to carry and use the control device or munition.

Department-owned control devices and munitions shall be reviewed, inspected and approved as follows:

(a) The designated department liaisons for the various control devices and munitions shall be charged with reviewing and inspecting new department-owned control devices and munitions being added to the various department inventories for their safety and functionality, prior to their issuance to individual department members.

(b) Control devices and munitions shall be inspected by supervisors for their safety and functionality as part of the line inspection process, in accordance with the Inspection Policy.

(c) The designated department liaisons for the various control devices and munitions shall be charged with periodically reviewing current control devices and munitions in the market and making recommendations to the Chief of Police.

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(d) The designated department liaisons for the various control devices and munitions shall be charged with periodically reviewing control devices and munitions recommended by department members and making recommendations to the Chief of Police.

(e) The Chief of Police shall have the authority to either approve or disapprove control devices and munitions recommended by the designated department control device and munition liaisons.

302.12.1 REMOVAL OF UNSAFE CONTROL DEVICES AND MUNITIONS

Department members shall be responsible for ensuring that all control devices and munitions that they are authorized to carry and use, whether department-issued or personally-owned, are safe and in good working order. Supervisors and weapons instructors shall also ensure that control devices and munitions carried and used by department members are safe and in good working order during inspections and training/proficiency sessions, respectively.

Any unsafe, damaged, inoperative, outdated or expended control devices and munitions, whether department-issued or personally-owned, shall be immediately removed from service.

Department-issued control devices and munitions, along with documentation explaining the cause of the damage or malfunction, shall be immediately returned to the designated department liaison for the specific category of control device or munition for disposition. A memorandum shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of any damage. During times when the designated department liaisons for control devices and munitions are off-duty, department-issued control devices and munitions shall be safely secured (unloaded and/or not able to be discharged) in a locked area.

Personally-owned control devices and munitions that are deemed to be unsafe, damaged, inoperative, outdated or expended shall be removed from service and secured by the department member who owns the equipment. The department member who owns the control device or munition shall notify his/her immediate supervisor and the designated department liaison for the specific category of control device or munition for the purpose record maintenance and, if applicable, replacement.

302.13 CONTROL DEVICE RECORDS

A written record shall be maintained of each control device approved by the Department for use. The procedure for maintaining such records is as follows:

(a) The designated department liaison for each category of control device shall be responsible for maintaining a record of each individual control device approved for use within that category.

(b) Sufficient identifying information of each control device shall be recorded, such as the make, model, serial number, type, specifications, etc.

(c) If the control device is owned by the Department and issued to a department member, the identity of the department member to which the control device is assigned shall be recorded along with the identifying information of the department-owned control device.

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(d) If the control device is owned by a department member, the identity of the department member shall recorded along with the identifying information of his/her personally-owned control device.

(e) The identifying information of department-owned control devices shall be collected and recorded as part of the inventory control function. The identifying information of personally-owned control devices shall be collected and recorded as part of the review, inspection and approval process for new control devices.

302.14 TRAINING FOR CONTROL DEVICES AND TECHNIQUES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device or use a technique have been properly trained and certified to carry the specific control device or use the specific technique, and are retrained or recertified as necessary.

The Training Sergeant shall ensure that, at least biennially, all agency personnel authorized to carry a control device or use a technique receive training on the Department's policies governing use of force and demonstrate proficiency with all control devices and techniques the individual department members are authorized to carry or use. Demonstrated proficiency includes achieving a minimum qualifying score on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized control devices/techniques and knowledge of department policies governing use of force, escalating force and deadly force; and being familiar with recognized safe-handling procedures for the use of these control devices.

(a) Proficiency training shall be monitored and documented by a certified, control device or tactics instructor.

(b) All training and proficiency for control devices and techniques shall be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device/technique or knowledge of this agency's Use of Force Policy will be provided with corrective instruction and/or remedial training. If an officer cannot demonstrate proficiency with a control device/technique or knowledge of this agency's Use of Force Policy after corrective instruction or remedial training, the officer will be restricted from carrying the control device or using the technique and may be subject to discipline.

302.15 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

302.16 ADDITIONAL CHEMICAL AGENT DEPLOYMENT CONSIDERATIONS

In response to a protest or demonstration, officers shall not use any chemical agents, including pepper spray or tear gas, without first issuing an order to disperse. The order shall be given in a reasonably sufficient manner to be heard, and repeated if necessary, and followed by sufficient time and space to allow compliance with the order (CRS § 24-31-905).

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Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER ® devices.

303.2 POLICY

The TASER device 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.

303.3 ISSUANCE AND CARRYING TASER DEVICES

Only TASER devices and cartridges authorized by the Department shall be carried and used by officers in the performance of their responsibilities. Only TASER devices and cartridges that have been issued by the Department are authorized for carry and use by officers. All other Electro-Muscular Disruption Technology (EMDT) devices are prohibited. The Training Section shall maintain a list of authorized TASER devices and cartridges.

Only officers who have successfully completed department-approved training may be issued and approved to carry and use the TASER device.

Only officers who have demonstrated proficiency in the use of the TASER device are approved to carry and use the TASER device. Demonstrated proficiency includes achieving a minimum qualifying score on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of the TASER device and knowledge of department policies governing use of force, escalating force and deadly force; being familiar with recognized safe-handling procedures for the use of the TASER device; and successfully loading, unloading, deploying and discharging the prongs of the TASER device. The instruction on and qualification with the TASER device should be provided by a certified TASER device instructor.

TASER devices 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.

Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Officers carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

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(c) Officers shall be responsible for ensuring that their department-issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.

303.3.1 DEPARTMENT TASER DEVICE LIAISON

An individual department member who is qualified as a TASER device instructor will be designated as the Department's TASER device liaison. The TASER device liaison will control the inventory and issuance of TASER devices and cartridges, including maintaining a record of each TASER device approved by the Department for official use. The TASER device liaison shall also ensure that all unsafe, damaged or inoperative TASER devices are properly disposed of, repaired or replaced.

303.4 VERBAL AND VISUAL WARNINGS

A verbal or visual warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. Removing the TASER device from its holster and conducting a warning arc is considered a visual warning. 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 TASER device may be deployed.

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 TASER device in the related report.

303.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

303.5.1 APPLICATION OF THE TASER DEVICE

The TASER device 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, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

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303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device 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) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device 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 consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

303.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device 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.

303.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and 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 TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

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(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 TASER device at a time against a single subject.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges, other than discharges to check equipment (spark tests) or for training/certification purposes.

When the TASER device is an X-26P, the TASER device shall be collected and provided to the Internal Affairs Section. The onboard TASER device memory will be downloaded through the data port by an Internal Affairs Sergeant. The data will be included with the related report or memorandum.

When the TASER device is a TASER 7, the following procedure shall be followed:

1. Return the TASER device to the Pueblo Police Department.
2. Remove the data pack and place in the charging bay.
3. Insert a new battery and obtain new cartridges.
4. The TASER device can now be returned to the field.

Expended cartridges, probes and wire shall be collected and submitted by the supervisor collecting the equipment into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. With respect to X-26P TASER devices, when practicable, the Anti-Felon Identification (AFID) tags should be collected and packaged with the expended cartridge, probes and wire.

303.5.6 DANGEROUS ANIMALS

The TASER device 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.

303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

303.6 DOCUMENTATION

Officers shall document all TASER device discharges (other than spark tests or discharges for training/certification purposes) in the related incident report or in a memorandum. Unintentional

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discharges shall also be documented. Notification shall be made to a supervisor in compliance with the Use of Force Policy.

303.6.1 TASER DEVICE FORM

Items that shall be documented are:

(a) The type and brand of TASER device and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(d) The range at which the TASER device was used.

(e) The type of mode used (probe or drive-stun).

(f) Location of any probe impact.

(g) Location of contact in drive-stun mode.

(h) Whether medical care was provided to the subject.

(i) Whether the subject sustained any injuries.

(j) Whether any officers sustained any injuries.

303.6.2 REPORTS

The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject’s physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel, including certified paramedics or employees who are certified to perform this medical procedure, should remove TASER device probes from a person's body. Used TASER device 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 TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully 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.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, 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 and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting symptoms of excited delirium and/or signs of distress after such an encounter shall be afforded medical assessment as soon as practicable and medically cleared prior to booking.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

303.8 REVIEW, INSPECTION AND APPROVAL OF TASER DEVICES

The procedure for the review, inspection and approval of department-owned TASER devices is as follows:

(a) The Department’s TASER device liaison shall be charged with reviewing and inspecting new department-owned TASER devices being added to the Department’s inventory for their safety and functionality, prior to their issuance to individual officers.

(b) TASER devices shall be inspected by supervisors for their safety and functionality as part of the line inspection process, in accordance with the Inspection Policy.

(c) The TASER device liaison shall be charged with periodically reviewing current Electro-Muscular Disruption Technology (EMDT) devices in the market and making recommendations to the Chief of Police.

(d) The TASER device liaison shall be charged with periodically reviewing Electro-Muscular Disruption Technology (EMDT) devices recommended by officers and making recommendations to the Chief of Police.

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(e) The Chief of Police shall have the authority to either approve or disapprove Electro-Muscular Disruption Technology (EMDT) devices recommended by the TASER device liaison.

303.8.1 REMOVAL OF UNSAFE TASER DEVICES

Officers shall be responsible for ensuring that their department-issued TASER device is safe and in good working order. Supervisors and TASER device instructors shall also ensure that TASER devices carried and used by officers are safe and in good working order during inspections and training/proficiency sessions, respectively.

Any unsafe, damaged or inoperative TASER devices shall be immediately removed from service.

Unsafe, damaged or inoperative TASER devices, along with documentation explaining the cause of the damage or malfunction, shall be immediately returned to the TASER device liaison for disposition. A memorandum shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of any damage. During times when the TASER device liaison is off-duty, TASER devices shall be safely secured in a locked area.

303.9 TASER DEVICE RECORDS

A written record shall be maintained of each TASER device approved by the Department for use. The procedure for maintaining such records is as follows:

(a) The identifying information of TASER devices shall be collected and recorded as part of the inventory control function.

(b) The Department’s TASER device liaison shall be responsible for maintaining a record of each individual TASER device approved for use.

(c) Sufficient identifying information of each TASER device shall be recorded, such as the make, model, serial number, etc.

(d) The identity of the officer to which the TASER device is assigned shall be recorded along with the identifying information of the TASER device.

(e) On an annual basis, as part of the line inspection process, supervisors shall record the identifying information of the TASER devices issued to the officers under their supervision on the Equipment Inventory and Inspection Sheet in accordance with the Inspection Policy.

303.10 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after completing the initial department-approved training. When transitioning TASER device platforms, officers shall certify on the platform they will be carrying.

The Training Sergeant shall ensure that all officers authorized to carry the TASER device receive annual refresher training on the Department's use of force policies and demonstrate proficiency with the TASER device. Demonstrated proficiency includes attaining and demonstrating a knowledge of the laws concerning the use of the TASER device and knowledge of department policies governing use of force, escalating force and deadly force; being familiar with

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recognized safe-handling procedures for the use of the TASER device; and successfully loading, unloading, deploying and discharging the prongs of the TASER device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate.

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

Officers who fail to demonstrate proficiency with the TASER device or knowledge of this agency's Use of Force Policy will be provided with corrective instruction and/or remedial training. If an officer cannot demonstrate proficiency with the TASER device or knowledge of this agency's Use of Force Policy after corrective instruction or remedial training, the officer will be restricted from carrying the TASER device and may be subject to discipline.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The instruction on and qualification with the TASER device should be provided by a certified TASER device instructor. All training and proficiency for TASER devices will be documented in the officer's training file.

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Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

The policy of the Pueblo Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect’s actions.
- A criminal investigation of the involved officer’s actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The criminal investigation of the suspect's actions shall be conducted in accordance with the Officer-Involved Incident Protocol of the Tenth Judicial District (Tenth Judicial District Critical Incident Team protocol herein).

304.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation shall be conducted in accordance with Tenth Judicial District Critical Incident Team protocol.

Requests made of this department to investigate a shooting or death involving an outside agency’s officer shall be referred to the Chief of Police or the authorized designee for approval.

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304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved PPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved PPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any PPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional PPD members until properly relieved by another supervisor or other assigned personnel or investigator.

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(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved PPD officer should be given an administrative order not to discuss the incident with other involved officers or PPD members pending further direction from a supervisor.
2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

304.5.3 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Bureau Chief.

All outside inquiries about the incident shall be directed to the Watch Commander.

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Services Bureau Chief
- Tenth Judicial District Critical Incident Team rollout team
- Outside agency investigators (if appropriate)
- Special Services Division Captain
- Civil liability response team
- Psychological/peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)
- Highest Ranking Officer On Scene

304.5.5 INVOLVED OFFICERS

For the purpose of this policy, a *directly-involved officer* is an officer who uses deadly force, whether it results in any injury or death to a person. A *peripheral officer* is an officer who did not use deadly force, but was physically present in the immediate vicinity of another officer using deadly force and was at risk of serious bodily injury or death during the deadly force incident. When questions arise, all final decisions about whether an officer is considered a "peripheral officer" will be made by a deputy chief.

The following shall be considered for both the directly-involved officer and the peripheral officer:

(a) Post-incident services for the officer, and his/her family and significant others, is available from the PPD Peer Support Team, Employee Assistance Program, and other resources.

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(b) Any request for legal or union representation will be accommodated.

1. Officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to and with respect to providing a formal interview or report.
2. Requests from non-PPD officers should be referred to their employing agency.

(c) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(d) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(e) Post-incident intervention with a licensed psychotherapist is available through the PPD Peer Support Team.

1. Post-incident intervention sessions with a licensed psychotherapist will be considered privileged, and are separate and distinct from any fitness-for-duty assessment or administrative procedures that may follow.
2. An interview or session with a licensed psychotherapist may take place prior to the officer providing a formal interview or report. However, officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to and with respect to providing a formal interview or report.

(f) The PPD Peer Support Team will be made available to provide peer support services to officers and other affected members.

1. Communications with a peer support team member will be considered privileged to the extent provided in CRS § 13-90-107.

Steps to ensure the physical and psychological safety of officers at the scene of a deadly force incident are contained in this policy as well as the Tenth Judicial District Critical Incident Team protocol. Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

A directly-involved officer shall be given six days of paid administrative leave following an officer-involved shooting or death. The purpose of the administrative leave is to provide the directly-involved officer with time (three days) to attend to his/her psychological well-being, and time (three days) to complete all tasks associated with the investigation and required of the officer to return to duty. Peripheral officers are required to have three days of paid administrative leave for the purpose of psychological well-being. Administrative leave does not include scheduled days off; it is in addition to any scheduled days off during that period of time. It shall be the responsibility of the applicable captain to make schedule adjustments to accommodate such leave.

Prior to returning to full duty, directly-involved officers shall complete the following:

(a) Meet with a licensed psychotherapist, provided by the Department.

1. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

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(b) Demonstrate firearms proficiency as follows:

1. Achieve a minimum passing score (qualify) on a prescribed course of fire with a firearm from the equivalent firearm platform that was used in the officer-involved shooting.

2. Demonstrate proficiency with all other department firearm platforms.

(c) On the day they return to regular duties, directly-involved officers performing patrol functions as their regular duty assignment are required to be paired with another officer for a minimum of one shift. With watch commander approval, this arrangement can be extended up to four shifts. The purpose of this temporary arrangement is based on best practices for reintegration back to duty after a deadly force incident. It is an additional support to directly-involved officers, not an oversight or evaluation of them. Therefore, it is most beneficial when directly-involved officers are allowed to choose the person with whom to be paired, except that the person with whom the officer is to be paired shall not be a family member and must be assigned to the same working shift.

In addition to the actions listed above that are required of directly-involved officers, there are several other considerations for both directly-involved officers and peripheral officers prior to their return to duty following a deadly force incident. The following considerations are suggestions, and an officer's use of these options is completely voluntary:

(a) While directly-involved officers are required to demonstrate firearms proficiency as listed above, officers may consider a practice session at the firearms range with a mental health professional or a peer support team member. The purpose of this practice session is to allow for the officer to effectively address any psychological triggers that may come up when firing their weapon for the first time following a deadly force incident.

(b) Officers may consider returning to the scene of the deadly force incident with a mental health professional, peer support team member, or other support person. Again, the purpose of this suggestion is to effectively address any psychological triggers that may come up when the officer is in the same or similar environment as the deadly force incident.

(c) Officers may consider requesting a temporary duty assignment other than their regular duty assignment. This temporary duty assignment is not the modified duty type that is used for employees with injuries or medical conditions, but rather an assignment in which the officer will be in a full-duty capacity. Officers will make this request to their bureau chief. A temporary duty assignment under this directive is limited to a two-week timeframe. The purpose of this temporary duty assignment is to allow the officer to return to full duty in an assignment that does not have the same likelihood of exposure to the circumstances that resulted in the use of deadly force.

(d) Officers may continue to seek ongoing support from available resources, such as the PPD Peer Support Team, Employee Assistance Program, etc.

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304.6 CRIMINAL INVESTIGATION

The Tenth Judicial District Critical Incident Team is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. This includes responsibility for the incident scene. Department members shall relinquish control of the scene to the Tenth Judicial District Critical Incident Team.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Tenth Judicial District Critical Incident Team to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) Internal Affairs Section personnel should not participate directly in any voluntary interview of PPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED PPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved PPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved PPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/ witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved PPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, to the extent that such is not handled by the Tenth Judicial District Critical Incident Team, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of 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, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(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 a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigation Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the Tenth Judicial District Critical Incident Team and may be assigned to separately handle the investigation of any related crimes not being investigated by the Tenth Judicial District Critical Incident Team.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigation Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Chief.

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304.6.4 MULTI-AGENCY INVESTIGATION

The Pueblo Police Department conforms to the Tenth Judicial District Critical Incident Team protocol for investigating officer-involved shootings. All officer-involved shooting incidents shall be investigated. The Chief of Police or the authorized designee shall ensure this protocol is posted on the Pueblo Police Department website and is available to the public upon request (CRS §16-2.5-301).

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved PPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs Section and will be considered a confidential investigative file as set forth in the Personnel Files Policy.

Interviews of members shall be subject to department policies (see the Personnel Complaints Policy) and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

    1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

    2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.

    3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.

    4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and

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ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Internal Affairs Section shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

304.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn or other known video or audio recordings of an incident shall not be viewed by any department member until the administrative and criminal investigations are complete and a decision has been rendered by the Chief of Police and the Pueblo County District Attorney's Office, respectively. This policy does not pertain to department members who are part of an administrative or criminal investigation team conducting an investigation of the incident.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

304.10 DEBRIEFING

Following an officer-involved shooting or death, the Pueblo Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

304.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Operations Bureau Chief is responsible for organizing the debriefing. Notes and recorded statements should not be

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taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including Internal Affairs Section personnel.

304.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation, and coordinated with the Department Public Information Officer. Releases will be available to the Watch Commander, Services Bureau Chief and Highest Ranking Officer On Scene in the event of inquiries from the media.

No involved PPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Bureau Chief.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

304.12 REPORTING

The Records Manager, with the assistance of the Services Bureau Chief, shall report the data required by CRS § 24-33.5-517 regarding officer-involved shootings to the Colorado Department of Public Safety by September 1 each year.

304.13 REVIEW

The Special Service Captain, or his/her designee, shall ensure that the Officer-Involved Shootings and Deaths Policy is reviewed on a biennial basis and, if necessary, update the policy to reflect current best practices and available resources.

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304.14 PRE-INCIDENT PREPARATION AND TRAINING

The Department will provide the following to officers on an ongoing basis:

(a) Information about the procedural process that follows an officer-involved shooting or critical incident,

(b) Information on the resources available to involved officers following an officer-involved shooting or critical incident, and

(c) Training and education about normal and problematic post-traumatic reactions commonly associated with officer-involved shootings and critical incidents.

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Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and/or acquisition of firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

The intent of this policy is to establish strict agency control over all firearms and ammunition the Pueblo Police Department allows its officers to carry and use in the performance of their official duties, both on- and off-duty. The Pueblo Police Department only provides limited regulation of the carrying and use of firearms and ammunition carried off-duty by officers who are not working in a law enforcement capacity. Unless otherwise noted herein, this policy only applies to officers who are performing their official responsibilities and the firearms and ammunition they carry and use in the performance of their official responsibilities, both on- and off-duty.

An officer shall not be considered to be acting in the performance of official responsibilities when merely carrying a weapon off-duty for the purpose of self-defense and said officer does not take the action contemplated by the Off-Duty Law Enforcement Actions Policy.

305.1.1 AUTHORIZATION TO CARRY FIREARMS

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).

Only officers who have demonstrated proficiency in the use of department-authorized firearms are approved to carry and use such firearms while in the performance of their official responsibilities, both on- and off-duty. Demonstrated proficiency includes achieving a minimum qualifying score on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of firearms and knowledge of department policies governing use of force, escalating force and deadly force; and being familiar with recognized safe-handling procedures for the use of authorized firearms.

305.2 SAFE HANDLING OF FIREARMS

The officers of the Pueblo Police Department will be equipped with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate, in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Only firearms and ammunition authorized by the Department shall be carried and used by officers in the performance of their official responsibilities, both on- and off-duty. No firearms shall be

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carried that have not been thoroughly inspected by the Firearms Training Unit. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an officer who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Chief. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by law.

305.3.1 HANDGUNS

The Training Section shall maintain a list of all handguns approved for carry and use by officers for each of the following three categories:

(a) Primary handguns carried on-duty

(b) Secondary handguns carried on-duty

(c) Handguns carried off-duty while in the performance of official responsibilities

305.3.2 SHOTGUNS

The authorized department-issued shotguns are the Remington Model 870 and the Mossberg Model M590A1. The Training Section shall maintain a list of all additional shotguns approved for use by officers.

Officers may carry a personally-owned shotgun, subject to the following restrictions:

(a) The shotgun shall be on the department list of approved shotguns.

(b) Only one personally-owned shotgun is authorized.

(c) The purchase of the shotgun shall be the responsibility of the officer.

(d) Officers shall only carry department-issued ammunition.

(e) Prior to carrying the shotgun, officers shall follow the Review, Inspection and Approval of Firearms requirements in this policy.

When not deployed, shotguns shall be maintained with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the fire position. Department-issued shotguns shall be properly secured in a locking weapons rack in the police vehicle. Personally-owned shotguns shall be properly secured in the police vehicle in a protective case.

305.3.3 PATROL RIFLES

The Training Section shall maintain a list of all patrol rifles approved for use by officers.

Officers who choose to carry a patrol rifle are subject to the following restrictions:

(a) The patrol rifle shall be on the department list of approved patrol rifles.

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(b) The purchase of the patrol rifle and ammunition shall be the responsibility of the officer.

(c) Officers shall only carry department-authorized ammunition.

(d) Prior to carrying the patrol rifle, officers shall follow the Review, Inspection and Approval of Firearms requirements in this policy.

Officers shall not carry or use the patrol rifle unless they have successfully completed department-approved training. The training shall consist of an initial eight-hour patrol rifle user's course with a certified patrol rifle instructor.

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in the police vehicle in a protective case or in a locking rifle lock in the passenger compartment if the vehicle is so equipped. The patrol rifle shall be maintained in a patrol ready condition until deployed, with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position.

305.3.4 SECONDARY HANDGUNS

Officers who choose to carry a secondary handgun are subject to the following restrictions:

(a) The handgun shall be on the department list of approved secondary handguns.

(b) Only one secondary handgun is authorized.

(c) The purchase of the handgun shall be the responsibility of the officer.

(d) Officers shall only carry department-issued or department-authorized ammunition.

(e) Prior to carrying the secondary handgun, officers shall follow the Review, Inspection and Approval of Firearms requirements in this policy.

(f) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

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Secondary handguns may be carried as the sole handgun on an officer's person when not being carried as a back-up firearm, either visible or concealed.

305.3.5 OFF-DUTY HANDGUNS

The carrying of handguns by officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a handgun while off-duty and in the performance of their official responsibilities, based on their authority as peace officers, are subject to the following restrictions:

(a) The handgun shall be on the department list of approved off-duty handguns.

(b) A maximum of two off-duty handguns are authorized.

(c) The purchase of the handgun and ammunition shall be the responsibility of the officer.

(d) Officers shall only carry department-authorized ammunition.

(e) Prior to carrying the off-duty handgun, officers shall follow the Review, Inspection and Approval requirements in this policy.

(f) Unless the detail or assignment requires otherwise, such as part of a uniform, the handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(g) When armed, officers shall carry their Pueblo Police Department identification cards.

(h) Officers who carry off-duty shall otherwise abide by all requirements and restrictions mandated by applicable local, state and federal laws.

Officers who choose to carry a handgun while off-duty, based on their authority as peace officers but not in the performance of their official responsibilities, are subject to the following restrictions:

(a) The purchase of the handgun and ammunition shall be the responsibility of the officer.

(b) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) When armed, officers shall carry their Pueblo Police Department identification cards.

(d) Officers who carry off-duty shall otherwise abide by all requirements and restrictions mandated by applicable local, state and federal laws.

An officer who makes a decision to become involved in a law enforcement action pursuant to the Off-Duty Law Enforcement Actions Policy shall only use department-issued or department-authorized firearms and ammunition, and only firearms with which the officer has demonstrated proficiency.

305.3.6 SPECIALIZED DUTY WEAPONS

Specialized duty weapons are those weapons designed for utilization by the Special Weapons and Tactics Team (SWAT) and other specifically authorized personnel during the course of fulfilling the objectives of their mission as defined by department directives. Such weapons include, but are not limited to, rifles, carbines, submachine-guns, machine-guns, chemical agent delivery systems,

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certain less lethal weapons such as 40mm beanbag rounds, and certain entry and breaching devices.

Only specialized duty weapons authorized by the Department shall be carried and used by authorized personnel. The Tactical Commander shall maintain a list of authorized specialized duty weapons. Only designated members of the Department who have demonstrated proficiency in the use of said specialized duty weapons systems are authorized to carry or utilize said weapons while on-duty or performing police-related duties. SWAT team members opting to carry or utilize a personally-owned specialized duty weapon must comply with the following provisions:

(a) The specialized duty weapon shall be on the department list of approved specialized duty weapons, as maintained by the Tactical Commander.

(b) The purchase of the specialized duty weapon shall be the responsibility of the officer.

(c) Officers shall only carry department-issued or department-authorized ammunition.

(d) Prior to carrying the specialized duty weapon, officers shall cause such weapon to be inspected by the SWAT Firearms Officer, who may disapprove any weapon that does not exhibit mechanical stability or meet standards of safety. The officer shall also cause the serial number and general description of such weapon to be recorded by the SWAT Firearms Officer, and shall, prior to carrying said weapon, demonstrate proficiency and meet qualification standards with it.

Weapons that are not on the Department's list of authorized specialized duty weapons may be considered for authorized use, provided they are first inspected by the SWAT Firearms Officer and approved in writing by the Tactical Commander and the Chief of Police.

305.3.7 REVIEW, INSPECTION AND APPROVAL OF FIREARMS

The procedure for the review, inspection and approval of new personally-owned firearms to be carried and used on-duty, and off-duty while in the performance of an officer's official responsibilities, is as follows:

(a) Officers intending to use the firearm shall contact the Firearms Training Unit.

(b) A firearms instructor or armorer will conduct a review and inspection of the firearm, who shall ensure the firearm exhibits mechanical stability, meets standards of safety, and is on the department list of approved firearms.

(c) Provided the firearm exhibits mechanical stability, meets standards of safety and is on the department list of approved firearms, it shall be considered approved for carry and use by the submitting officer.

(d) The firearms instructor shall provide written notice of the make, model, color, serial number and caliber of the approved firearm to the Training Sergeant, who shall maintain a record of the information.

(e) Firearms that are deemed to be unsafe or not in good working order will not be approved by the inspecting firearms instructor, and the submitting officer will not be authorized to carry the firearm. The inspecting firearms instructor shall immediately notify the Training Sergeant, who will notify the affected officer's chain of command.

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Department-owned firearms and firearms systems shall be reviewed, inspected and approved as follows:

(a) The Firearms Training Unit shall be charged with reviewing and inspecting new department-owned firearms being added to the Department's inventory for their safety and functionality, prior to their issuance to or use by individual officers.

(b) The Firearms Training Unit shall be charged with periodically reviewing department-owned firearms and firearms systems for their benefits and utility to the Department.

(c) The Firearms Training Unit shall be charged with periodically reviewing current firearms and firearms systems in the market and making recommendations to the Chief of Police.

(d) The Firearms Training Unit shall be charged with periodically reviewing firearms and firearms systems recommended by department members and making recommendations to the Chief of Police.

(e) The Chief of Police shall have the authority to either approve or disapprove firearms and firearms systems recommended by the Firearms Training Unit.

All firearms and firearms systems, whether department-owned or personally-owned, shall be inspected as follows:

(a) The Firearms Training Unit shall be charged with inspecting firearms during semi-annual qualification periods to ensure they exhibit mechanical stability and meet standards of safety.

(b) Firearms that are deemed to be unsafe or not mechanically sound upon inspection by the Firearms Training Unit shall be immediately removed from service, and the inspecting firearms instructor shall notify the Training Sergeant without delay. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable. If the firearm is a department-owned shotgun, a replacement shotgun will be issued to the officer. The responsibility for repairing personally-owned and department-owned firearms shall rest with the officer and the Department, respectively. All repaired firearms, whether personally-owned or department-owned, shall be inspected by the Firearms Training Unit prior to their return to service to ensure they exhibit mechanical stability and meet standards of safety.

305.3.8 AMMUNITION

Officers shall carry only department-issued or department-authorized ammunition, which shall not be modified in any manner. The Training Sergeant shall maintain a list of all authorized ammunition.

Officers will be issued fresh duty ammunition for the primary handgun, the secondary handgun and the shotgun on an annual basis during one of the officer's firearms qualification sessions. Replacement ammunition for unserviceable or depleted ammunition issued by the Department will be dispensed by the Training Sergeant when needed, in accordance with established practice.

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All ammunition for patrol rifles and off-duty handguns shall be supplied by the officer electing to carry such firearm(s) at his/her own expense. Ammunition not issued by the Department shall be on the department list of approved ammunition. Officers carrying patrol rifles, and off-duty firearms while in the performance of their official responsibilities, shall be responsible for obtaining fresh duty ammunition in accordance with the above schedule.

Privately or home loaded ammunition may be used during practice and qualification sessions, provided the officer can certify to the firearms instructor that such ammunition has been loaded to factory specifications.

305.3.9 FIREARM RECORDS

A written record shall be maintained of each firearm approved by the Department for use. The procedure for maintaining such records is as follows:

(a) The Training Sergeant shall be responsible for maintaining a record of individual firearms approved for use.

(b) The Firearms Training Unit shall be responsible for collecting the identifying information of approved firearms and providing such to the Training Sergeant.

(c) Sufficient identifying information of each firearm shall be recorded, such as the make, model, color, serial number and caliber.

(d) If the firearm is owned by the Department and issued to an officer, the identity of the officer/vehicle to which the firearm is assigned shall be recorded along with the identifying information of the department-owned firearm.

(e) If the firearm is owned by an officer, the identity of the officer shall recorded along with the identifying information of his/her personally-owned firearm.

(f) The identifying information of department-owned firearms shall be collected and recorded as part of the inventory control function. The identifying information of personally-owned firearms shall be collected and recorded as part of the review, inspection and approval process for new firearms.

305.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally-owned firearms are the responsibility of the individual officer.

305.4.1 REPAIRS AND MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of a firearm to a supervisor or the Training Sergeant.

Firearms that are the property of the Department may be repaired or modified only by a person certified as an armorer or gunsmith in the repair of the specific firearm. All repairs and modifications of department-issued firearms must be authorized in advance by the Training Sergeant.

Repairs or service to personally-owned firearms shall be paid for by the carrying officer. During the time of any needed repair of privately owned firearms, the officer may be issued a Department-owned firearm.

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The following provisions apply to any accessories or modifications to on-duty firearms:

(a) Grips shall be dark colored.

(b) Target grips which interfere with loading or re-loading are prohibited.

(c) Grips must allow the weapon to be fired with either hand.

(d) Department-issued weapons will not be modified in any manner without the permission of the Training Sergeant.

(e) Target triggers and trigger shoes which interfere with the proper drawing and general operation of the weapon are prohibited. Other devices installed in a manner which would interfere with the proper drawing or general operation of the weapon are also prohibited.

305.4.2 HOLSTERS

Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-duty or off-duty while in the performance of official responsibilities after they have been examined and approved by the Firearms Training Unit. Once the approved tactical lights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on-duty or off-duty while in the performance of official responsibilities after they have been examined and approved by the Firearms Training Unit. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, an officer may only sight in on a target when the officer would otherwise be justified in pointing a firearm at the target.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Officers shall not unnecessarily display or handle any firearm.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Training Sergeant and firearms instructors.

(c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except when under the supervision of a firearms instructor.

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(d) Shotguns or rifles removed from vehicles or the equipment storage rooms shall be loaded and unloaded outside of buildings and vehicles.

(e) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No officers shall carry firearms into the temporary detention facility, but shall place all firearms in a secured location. Officers providing access to the temporary detention facility to persons from outside agencies are responsible for ensuring firearms are not brought into the temporary detention facility.

(f) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by an officer to be unsafe, malfunctioning or in need of service or repair shall not be carried. It shall be immediately removed from service and promptly presented to a firearms instructor for inspection. During times when no firearms instructors are on-duty, the unsafe or malfunctioning firearm shall be safely secured in a locked location as provided in this policy. Any firearm deemed unsafe or in need of repair or service by a firearms instructor will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued, whether department-issued or personally-owned. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction.

Personally-owned firearms may be safely stored in lockers at the end of the shift. When not properly secured in a locking weapons rack located in a police vehicle, department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

305.5.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil liability.

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305.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer, either on-duty or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the officer's senses or judgment. This restriction universally applies to all off-duty carrying and use of firearms by members of the Pueblo Police Department, regardless of activity or duty status.

305.6 FIREARMS PROFICIENCY

Semi-annually, every officer shall demonstrate proficiency in the use of each firearm he/she is authorized to carry and use in the performance of his/her official responsibilities. Demonstrated proficiency includes achieving a minimum qualifying score on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of firearms and knowledge of department policies governing use of force, escalating force and deadly force; and being familiar with recognized safe-handling procedures for the use of authorized firearms. The instruction on and qualification with all firearms shall be provided by a certified firearms instructor, and shall further be documented. Demonstration of proficiency may be achieved concurrently with the mandatory qualification schedule. An officer failing to demonstrate a minimum level of proficiency with any firearm he/she is authorized to carry and use in the performance of his/her official responsibilities may not carry or use the firearm until he/she successfully completes remedial training provided by the Department.

305.6.1 SEMI-ANNUAL QUALIFICATION

All officers shall qualify semi-annually, at a minimum, with every firearm they are authorized to carry and use in the performance of their official responsibilities. Qualification shall consist of the officer achieving a minimum passing score on a prescribed course of fire administered by a member of the Firearms Training Unit, and shall further consist of the actual firing of the weapon.

All officers are required to qualify semi-annually with their primary handgun. No primary handgun will be carried on-duty unless the officer has first qualified with that handgun, except as herein provided. Officers whose primary handguns have been taken as evidence during an investigation or whose primary handguns are being repaired or serviced, will have 10 working days to make arrangements to qualify with a substitute handgun, and may carry said substitute handgun during the interim. Captains shall ensure that personnel under their command are afforded duty time to qualify as required herein.

All officers are required to qualify semi-annually with a shotgun. Officers shall qualify with a shotgun of the same make and model as the shotgun to be carried. Officers authorized to be armed with a patrol rifle are required to qualify semi-annually with the patrol rifle they are authorized to carry.

Officers authorized by the provisions of this manual to be armed with, or to utilize specialized duty weapons or weapon systems are required to qualify with the weapons or systems to be utilized semi-annually, at a minimum. Failure to qualify as directed or to equip oneself with approved

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equipment or firearms may result in removal from specialized duty assignment or other sanctions deemed appropriate by the Chief of Police.

Officers who choose to carry a secondary handgun or a handgun to be carried off-duty while in the performance of official responsibilities shall qualify semi-annually with each such handgun authorized for carry and use. Each officer is authorized a maximum of one secondary handgun and two handguns to be carried off-duty while in the performance of official responsibilities.

Officers who acquire new weapons, or weapons with which they have not qualified, may contact any firearms instructor, or in the case of specialized duty weapons, the SWAT Firearms Officer, and make arrangements to qualify at any time on an individual basis.

305.6.2 SEMI-ANNUAL QUALIFICATION PERIODS

Semi-annual qualification periods will be held during each calendar year. The first qualification period will be from January 1st through June 30th and the second qualification period will be from July 1st through December 31st. Specific qualification dates will be scheduled by the Training Section during each semi-annual qualification period. It shall be the responsibility of each officer to attend one of the scheduled qualification dates and qualify with all firearms he/she is authorized to carry and use during each semi-annual qualification period.

305.6.3 NON-CERTIFICATION OR NON-QUALIFICATION

It shall be the responsibility of officers to qualify during each of the two qualification periods in each calendar year. If an officer is unable to qualify for any reason, including injury, illness or duty status, that officer shall submit a memorandum to his/her immediate supervisor prior to the end of the required qualification period.

Officers who fail to demonstrate duty firearms proficiency as required by policy, or who fail to qualify over a six-month qualification period will be relieved from field assignment and appropriate disciplinary action may follow.

Officers who fail to qualify on their first shooting attempt will be subject to the following requirements:

(a) The officer will be provided corrective instruction and given a second opportunity to qualify.

(b) If the officer fails to qualify on the second attempt, he/she will be provided additional corrective instruction and given a third opportunity to qualify.

(c) If the officer fails to qualify on the third attempt, the firearms instructor shall immediately report the failure to the officer's immediate supervisor. The firearms instructor shall also submit a memorandum describing the details of the failed qualification (e.g., date and time of qualification attempts, scores, type of corrective instruction provided, weather conditions, etc.) to the officer's immediate supervisor as well as to the Training Sergeant as soon as practicable.

(d) The officer's immediate supervisor shall then notify the Chief of Police via chain of command for a determination of the action to be taken.

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(e) The officer will be scheduled to complete remedial training with a firearms instructor after the final failed qualification attempt.

(f) Once an officer initiates qualification, he/she shall not leave the range until he/she either qualifies or exhausts all three qualification attempts.

Officers shall be given credit for a range qualification after corrective instruction and a qualifying score is obtained. No range credit will be given for a failure to qualify after corrective instruction. A failure to qualify for reasons other than proficiency, including any malfunction of firearms, ammunition or otherwise, is not considered a failed attempt at qualification.

Failure to qualify as directed or to equip oneself with approved equipment or firearms will subject the offending officer to disciplinary action, up to termination, as deemed appropriate by the Chief of Police.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. This reporting requirement universally applies to all qualifying off-duty firearm discharges, regardless of duty status. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the officer shall file a written report with his/her Bureau Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

The Special Services Captain shall be immediately notified of all firearm discharges. Firearm discharges are subject to administrative investigation by the Internal Affairs Section.

305.7.1 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. Officers should follow their training to identify animal behaviors that may reasonably put law enforcement officers or other individuals in imminent danger, in addition to animal behaviors that do not suggest or pose an imminent danger.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer).

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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.

305.7.2 INJURED ANIMALS

Officers may euthanize an animal when, in his/her judgment and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery and where other dispositions are impractical. In the event a licensed veterinarian is not available, the animal may be euthanized at the request of the owner or by the written certificate of two persons called to view the animal (CRS § 35-42-110). Officers shall always notify a supervisor prior to the destruction of any animal when time permits.

Injured wildlife may be euthanized whenever the officer determines that no other reasonable action would be practical, humane or effective for the rehabilitation of the wildlife (2 CCR 406-14:1405).

A gunshot to the head is an accepted method of euthanasia by the American Veterinary Medical Association, taking into consideration people and nearby animals. The procedure should be performed outdoors and away from public access or visibility.

If a disease such as rabies or chronic wasting disease is suspected, euthanasia by gunshot to the head should not be performed.

305.7.3 WARNING AND OTHER SHOTS

Warning shots are prohibited. Shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and safe.

305.8 TRAINING SERGEANT DUTIES

The Training Sergeant has the responsibility of supervising the Firearms Training Unit, managing qualifications, scheduling firearms training, maintaining documentation and descriptions of courses provided, maintaining training and qualification records, maintaining lists of approved firearms, maintaining a record of individual firearms approved for use, managing ammunition supplies, etc.

The scheduling of the range will also be the responsibility of the Training Sergeant. Unless the range is scheduled/reserved for official department training, the Training Sergeant will ensure that the range remains operational and reasonably accessible to department members during established hours of operation.

305.8.1 FIREARMS INSTRUCTOR PROFICIENCY

Each firearms instructor shall meet the proficiency requirements required by the State of Colorado and POST.

305.8.2 FIREARMS INSTRUCTOR ATTIRE

When acting in a training capacity on a firearms range, firearms instructors shall wear a red body armor vest.

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During the months of May through September, on qualification dates only, firearms instructors are permitted to substitute shorts for pants. When opting to wear shorts, the following uniform shall be worn:

(a) Red polo shirt with the designated firearms training unit insignia

(b) Tan-colored BDU (battle dress uniform) shorts

(c) Rugged footwear (e.g., hiking boots/shoes)

305.9 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, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Pueblo Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department 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) The Pueblo Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Pueblo Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for a law enforcement officer 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 department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) 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.

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(i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Pueblo Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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 certified officers from other states are subject to all requirements set forth in 18 USC § 926B.

305.11 TRAINING

The Training Sergeant shall ensure that, at least annually, all officers authorized to carry a firearm receive training on the Department's policies governing use of force. All firearms training shall be provided by a certified firearms instructor and shall be documented.

In addition to general training regarding the use of firearms, the Training Sergeant shall ensure that training is provided on encounters with dogs in the course of duty as required by CRS §29-5-112. At a minimum, the training must cover the policies and procedures adopted by this department.

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Vehicle Pursuit Policy

306.1 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).

306.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

306.2 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Boxing in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver consisting of the intentional contact between an emergency vehicle and a pursued vehicle intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tire deflation device, spikes or tack strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

Vehicle pursuit management technology - A pursuit management system designed to allow officers to track a vehicle that intends to elude or is eluding police.

Violent felony - An attempted or completed felony in which a person uses aggressive physical force, including any of the following to the extent it constitutes a felony:

(a) Homicide,

(b) Kidnapping,

(c) Assault, vehicular assault or sexual assault,

(d) Robbery,

(e) Arson,

(f) Any other crime of violence, or

(g) Escape for one or more of these offenses.

306.3 OFFICER RESPONSIBILITIES

Members of the department should be aware of a state statute (CRS § 42-4-108), particularly subsection (4) thereof which states, in part: “The provision of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of such driver’s reckless disregard for the safety of others.”

It should also be noted that the Colorado Court of Appeals in Zapp v. Kukuris, 847 P.2d 150 (Colo. App. 1992) held that under Colorado's governmental immunity statutory scheme, a police officer operating an emergency vehicle within the course of employment in the pursuit of a suspect is not shielded from liability if it is established that such operation was done with "reckless disregard for the safety of others."

It is the policy of this department 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 is 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.

306.3.1 WHEN TO INITIATE A PURSUIT

An officer may only engage in a pursuit of a person when the person has attempted or committed, or is reasonably suspected by the officer to have attempted or committed the following:

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(a) A violent felony as defined in this policy, or

(b) Some other act, which, in the officer’s reasonable judgment, requires that the person be pursued for the immediate protection of the public safety. Pursuits are not authorized for traffic violations or for the apprehension of a person who may have committed a misdemeanor or petty offense.

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources, such as aircraft assistance.

(l) The police unit is carrying passengers other than on-duty police officers. Vehicles containing victims, witnesses, suspects, prisoners, and/or complainants, shall not participate in any manner in any pursuit.

Officers should be familiar with Tidwell v. City and County of Denver, 2003 WL 22533402 (Colo. 2003). The Colorado Supreme Court ruled in this case that the investigatory exception applies only when the officer is still trying to confirm a suspicion that the driver has violated the traffic

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law, and the officer otherwise has no reasonable suspicion or probable cause to stop the driver (refer to the definition of “investigatory exception below). Officers shall, therefore, activate their emergency lights and siren promptly after the officer has determined that there is probable cause to believe a violation of the motor vehicle code, or other violation, has occurred, and begins to go after the violator to make a stop.

Investigatory exception - A police vehicle, while in actual pursuit of a suspected violator of the motor vehicle code, need not use audible or visible signals, but only so long as the pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator (CRS § 42-4-108 (3)).

306.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

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)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

(a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

(e) Extended pursuits of violators for crimes not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

(f) The hazards to uninvolved bystanders or motorists.

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(g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(h) When directed to terminate the pursuit by a supervisor.

306.3.3 SPEED LIMITS

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.

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)):

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

306.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

A supervisor of the rank of sergeant or above may authorize 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.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

306.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

306.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws .

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306.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify the Communications Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

(a) The reason for the pursuit.

(b) The location and direction of travel.

(c) The speed of the fleeing vehicle.

(d) The description of the fleeing vehicle and license number, if known.

(e) The number of occupants.

(f) The identity or description of the known occupants.

(g) The weather, road and traffic conditions.

(h) The identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

306.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serving as backup to the primary unit once the subject has been stopped.

306.4.5 PURSUIT DRIVING TACTICS

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:

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(a) 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.

(b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(c) 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.
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)).

(d) 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.

(e) Notifying the Colorado State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

(f) 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.

306.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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 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.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. Should the immediate presence of non-pursuing personnel become necessary at the termination point of the pursuit, non-pursuing personnel shall respond to the scene in accordance with established emergency vehicle operation procedures.

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.

306.4.7 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.

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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.

306.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately notifying involved officers and the Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that the proper radio channel is being used.

(g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(h) Controlling and managing PPD units when a pursuit enters another jurisdiction.

(i) Documenting the pursuit using the required forms, gathering completed reports prepared by officers involved in the pursuit and submitting such to the Chief of Police via the chain of command.

(j) Conducting a post-pursuit analysis and critique with all involved officers for training purposes.

306.5.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should 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.

The Watch Commander shall review all pertinent reports for content and forward them to the Chief of Police via the chain of command.

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306.6 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 department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

306.6.1 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Communications Center will be responsible for:

(a) Establishing a clear channel for use by officers in the pursuit.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Notifying and coordinating with other involved or affected agencies as practicable.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Assigning an incident number and logging all pursuit activities.

(f) Broadcasting pursuit updates as well as other pertinent information as necessary.

(g) Notifying the Watch Commander as soon as practicable.

306.6.2 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.

306.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency'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 agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended 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.

306.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Pueblo Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Pueblo Police Department is requested by the agency 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 agency 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 agency managing the termination point.

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The role and responsibilities of officers at the termination of a pursuit that was initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

306.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered this jurisdiction, the supervisor should consider these additional factors:

(a) Ability to maintain the pursuit

(b) Circumstances serious enough to continue the pursuit

(c) Adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

(e) Safety of the pursuing officers

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall notify the initiating agency of the termination of the pursuit, provide appropriate assistance to peace 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.

306.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, boxing in, PIT, ramming or roadblock procedures.

306.8.1 WHEN USE IS AUTHORIZED

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

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to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

306.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers shall not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. 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.

306.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) **PIT SHALL ONLY BE USED TO TERMINATE PURSUITS OF PERSONS WHO OFFICERS REASONABLY BELIEVE HAVE ATTEMPTED OR COMMITTED THE FOLLOWING OFFENSES:**

1. **HOMICIDE**
2. **KIDNAPPING**
3. **IN-PROGRESS ARMED ROBBERY**
4. **ESCAPE FOR HOMICIDE, KIDNAPPING OR AN IN-PROGRESS ARMED ROBBERY**

Only those officers certified in the use of the PIT are authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to officers, the public and occupants of the pursued vehicle. The PIT shall not be used at any speed in excess of 35 miles per hour. The PIT shall not be used on any passenger occupied bus, vehicle transporting hazardous material, or any vehicle that would pose an unusual hazard to the public. The PIT shall not be used when oncoming traffic may be placed in jeopardy from the use of the technique. Officers who are certified in the use of the PIT are required to recertify on an annual basis.

(b) The use of the boxing in technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Boxing in shall only be used on vehicles traveling slower than 20 miles per hour. Use of this tactic on vehicles traveling faster than 20 miles per hour shall constitute a roadblock. Officers shall obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit.

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(c) Tire deflation devices shall be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use, and only then with approval of a supervisor. Prior to the deployment of a tire deflation device, the officer shall notify pursuing units of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(d) Ramming a fleeing vehicle involves a potential for serious injury or death to occupants of the pursued vehicle. Ramming shall therefore be considered deadly force under the Department's Use of Force Policy and subject to the provisions and limitations on the use of deadly force contained therein. Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method.

(e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is considered deadly force under the Department's Use of Force Policy and subject to the provisions and limitations on the use of deadly force contained therein. Roadblocks shall not be deployed without prior approval of a supervisor. Roadblocks shall only be deployed under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public. Roadblocks must be set up in such a manner as to afford the operator of the pursued vehicle ample time to see the barricade. Once authorized, only unoccupied emergency vehicles may be used for a roadblock; under no circumstances shall a roadway be barricaded with any occupied vehicle, or any vehicle belonging to a private citizen.

306.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

306.9 VEHICLE PURSUIT MANAGEMENT TECHNOLOGY

Vehicle pursuit management technology, herein referred to as StarChase, is a pursuit management system containing a miniature GPS module encased in a tracking projectile/dart that is deployed from a fixed launcher mounted on a law enforcement vehicle. Once the tracker is affixed, the location of the suspect vehicle can be tracked using a computer with an internet connection. A successful deployment of StarChase may reduce or eliminate the need for officers

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to engage in a vehicle pursuit. In the least serious situations, StarChase eliminates the need for officers to engage in a vehicle pursuit by allowing them time to remotely monitor the location of a suspect vehicle from a safe distance, evaluate the circumstances, and reapproach the suspect vehicle after it has stopped or it is otherwise safer to do so. In the most serious situations, StarChase can still be utilized as a resource even if officers engage in a vehicle pursuit.

306.9.1 AUTHORIZED USE

StarChase may be deployed for situations that meet the criteria for engaging in a vehicle pursuit, as defined in this policy, and for lesser crimes or actions that would not otherwise meet this standard. These lesser crimes and actions include stolen vehicles, DUI/DUID drivers where the suspect vehicle is driving recklessly, traffic infractions, and other situations when specifically approved by a supervisor.

StarChase may only be deployed after the suspect vehicle fails to yield to an officer who has made a reasonable attempt to conduct a traffic stop.

Although the deployment of StarChase as a pursuit prevention technique may require the time and tactics similar to initiating a traffic stop, officers shall not engage in conduct that would be considered a vehicle pursuit unless permitted to do so under this policy.

StarChase equipment in a department vehicle shall only be operated by officers who have been trained in its use. StarChase-equipped vehicles will not be assigned to officers who have not been trained in its use unless required by exigent circumstances.

StarChase shall only be deployed in accordance with policy and training.

306.9.2 USE WITHOUT VEHICLE PURSUIT

In situations in which a vehicle pursuit is not authorized or the initiating officer has no intention of engaging in a vehicle pursuit, and upon successful deployment of StarChase, officers shall deactivate their emergency lights and sirens and drive away from the suspect vehicle driver’s line of sight. After moving out of the suspect vehicle driver’s line of sight and ensuring that there is no question as to whether or not a vehicle pursuit is taking place, officers are permitted to parallel the suspect vehicle on side streets using the tracking technology. Officers shall obey all traffic laws while tracking the suspect vehicle.

306.9.3 USE WITH VEHICLE PURSUIT

If not already involved as either the primary or secondary unit in a vehicle pursuit, and only with the approval of a supervisor, a patrol vehicle equipped with StarChase is authorized to respond to and join a pursuit for potential use of the system. Once a StarChase-equipped vehicle joins a vehicle pursuit, it becomes an authorized unit as it relates to the number of authorized pursuit units.

Unless directed otherwise, the StarChase-equipped vehicle shall join the vehicle pursuit at the rear of the pursuit until receiving specific verbal permission to pass by the unit(s) to be passed. Safety decisions related to passing other involved vehicles and the actual discharge of the device rest solely upon the operating officer, who shall consider the following:

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(a) Whether the officer can safely pass any other vehicle(s) involved in the vehicle pursuit, and

(b) Whether the officer can safely maneuver close enough to the suspect vehicle to come within targeting range.

306.9.4 POST-DEPLOYMENT REQUIREMENTS
Once a GPS tracker has been affixed to a suspect vehicle, officers shall attempt to contact the occupant(s) and the vehicle as soon as practicable. StarChase shall not be used to gather long-term data about a suspect's whereabouts by allowing the vehicle to wander, unless a search warrant has been obtained.

Deploying officers are responsible for ensuring that the StarChase GPS tracker is removed from the suspect vehicle once it has been contacted.

306.9.5 DEPLOYMENT CONSIDERATIONS
While StarChase can be beneficial and may in some cases eliminate the need for a vehicle pursuit, deployment of the technology is not without risk. StarChase should therefore not be deployed in the following situations unless the suspect poses a substantial risk to the public:

(a) The occupants of suspect vehicle are exposed (e.g., convertibles).

(b) The suspect vehicle has fewer than four wheels.

(c) The suspect vehicle is driving on exceptionally rough terrain.

(d) The suspect vehicle is weaving.

(e) Pedestrians are in close proximity to the suspect vehicle and the department vehicle equipped with StarChase.

(f) Adverse weather conditions are present, such as heavy precipitation.

(g) Other circumstances exist that indicate the device could be ineffective.

306.9.6 MONITORING AND REPORTING
An officer who deploys or attempts to deploy StarChase shall immediately report such to the Communications Center and to his/her supervisor.

Outside of training or maintenance purposes, all deployments of StarChase shall be documented in an incident report.

306.10 REPORTING AND REVIEW REQUIREMENTS
All appropriate reports shall be completed to comply with local and state regulations.

(a) The primary officer shall complete appropriate crime/arrest reports.

(b) All participating officers shall document their involvement in the pursuit within a reasonable time period from the end of the event.

(c) After first obtaining available information, the primary supervisor shall complete a Pueblo Police Department Pursuit Review which should minimally contain the following information:

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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
11. Name of supervisor handling or at the scene
12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted

(d) The primary supervisor shall submit the completed Pueblo Police Department Pursuit Review along with all other supporting documentation to his/her immediate supervisor for review within fourteen calendar days from the date of the incident. In the event that special circumstances cause a delay in the completion and submission of the package, the primary supervisor may be granted additional time to complete and submit the package by his/her immediate supervisor with advanced notice.

(e) Every vehicle pursuit shall be administratively reviewed. The administrative review should indicate whether policy, training, equipment or disciplinary issues should be addressed. Administrative reviews are originated by the immediate supervisor of the department member who engages in a vehicle pursuit, as set forth in this policy. The immediate supervisor shall review the incident and document such in the Pueblo Police Department Pursuit Review. The Pueblo Police Department Pursuit Review, along with any other related reports, photographs and documentation, shall then be forwarded to and reviewed by each level of supervision in the chain of command, up to the Chief of Police. Each recipient in the review process may either concur with the findings or determine that further investigation is required. The Chief of Police will make the final determination as to whether the vehicle pursuit is within department policy. Completed administrative reviews shall be forwarded to and retained by the Internal Affairs Section in accordance with department policy.

(f) Annually, the Internal Affairs Section shall conduct a documented analysis of all Pueblo Police Department Pursuit Reviews, which shall include a documented review of pursuit policies and reporting procedures. All documented StarChase deployments shall be included in the analysis. The analysis shall be provided to the Chief of Police for final review and approval. The purpose of the annual analysis is to identify any existing patterns or trends that could indicate training needs or policy modifications.

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306.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial documented training on the Department's pursuit policy and supplementary training on pursuits and pursuit intervention tactics, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. The training will include a documented review of this policy, skills refresher training in pursuits and pursuit intervention tactics, and refresher training in relevant legal updates affecting pursuits and pursuit intervention tactics. Training will also include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

306.10.2 POLICY REVIEW

The department policies and procedures governing vehicle pursuits shall be disseminated to all personnel via the department network in accordance with the Policy Manual Policy. All officers shall be presumed to be familiar with said policies and procedures. Officers shall acknowledge that they have received, read and understand this policy initially and upon any amendments by following the procedures set forth in the Policy Manual Policy.

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Officer Response to Calls

307.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

307.2 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 a call as an emergency response shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (CRS § 42-4-108(3) and CRS § 42-4-213).

Officers responding to a call as an emergency response shall not exceed the posted speed limit by more than 25 miles per hour.

Responding with emergency lights and siren does not relieve an 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 siren does not generally provide an exemption from the vehicle laws (CRS § 42-4-108(3)).

Officers should only respond to a call as an emergency response when so dispatched or when responding to circumstances the officer reasonably believes involves the potential for immediate danger to persons or property.

307.2.1 NON-EMERGENCY CALLS

Non-emergency calls are calls that do not require an officer's immediate presence at the scene or location of the call. Examples of non-emergency calls include:

- Citizen's reports of crimes in which the suspect is not present.
- Traffic collisions that do not involve injuries.

In general, officers are not justified in engaging in an emergency response when responding to non-emergency calls. A non-emergency call may quickly evolve into an emergency call, however, when the circumstances become emergent and an officer's immediate presence becomes necessary. In such cases, an emergency response may become justified.

307.2.2 EMERGENCY CALLS

Emergency calls are calls in which an officer's immediate presence is required at the scene or location of the call. Examples of emergency calls include:

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- An officer requires urgent assistance.
- A burglary in process that appears to involve a threat to any person's safety.
- A robbery in progress.
- A person brandishing a weapon.
- An apparent homicide.
- A suicide in progress.
- A fight, riot or other large disturbance involving injuries.
- An assault or other violence in progress.
- A domestic dispute where injury is reasonably believed to be imminent, or has just occurred and the suspect is present.
- A kidnapping in progress.
- A traffic collision or other event involving a serious injury or the possibility of injury that may reasonably require immediate medical aid.
- All traffic collisions on Interstate 25.

In general, officers are justified in engaging in an emergency response when responding to emergency calls. An emergency call may quickly evolve into a non-emergency call, however, when the circumstances are no longer emergent and an officer’s immediate presence becomes unnecessary. In such cases, an emergency response may no longer be justified. Nothing in this policy requires an officer to engage in an emergency response when, in the officer’s judgment, his/her safety or the safety of the public would be put in undue risk by engaging in an emergency response.

307.2.3 PRIORITIZATION OF CALL TYPES FOR RESPONSE

The following call types are listed in descending order, from the highest priority (or most emergent) to the lowest priority (or least emergent):

(a) Officer requests for emergency assistance.

(b) Calls involving weapons or exigent threat to life.

(c) Threats to persons in progress.

(d) Threats to persons just occurred.

(e) Threats to property in progress.

(f) Threats to property just occurred.

(g) Persons crime reports.

(h) Property crime reports.

(i) Administrative calls for service.

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In as much as an officer's immediate presence is required at the scene of a call to ensure the safety of the public, an emergency response may be justified. The justification for emergency response in each individual call for service will be based on the known call-specific factors present at the time.

307.3 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 the Communications Center.

307.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Watch Commander or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

307.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the Communications Center. An emergency response of more than one unit should initiate notification of and coordination by the Communications Center to avoid any unanticipated intersecting of response routes.

An emergency response of more than one unit should initiate notification by the Communications Center to the Watch Commander or field supervisor. The Watch Commander or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

307.5 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.

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(d) Disregard regulations governing direction of movement or turning in specified directions.

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. In such an event, the officer should immediately notify the Communications Center. 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 immediately give the location from which he/she is responding.

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify the Communications Center of their determination. Any subsequent change in the appropriate response level should be communicated to the Communications Center by the officer in charge of the scene unless a supervisor assumes this responsibility.

307.5.1 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 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.

307.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that an immediate law enforcement response is needed. The dispatcher shall:

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(a) Attempt to assign the closest available unit to the location requiring assistance, in accordance with established Communications Center protocol for dispatching units to emergency calls for service with respect to Automated Vehicle Locator (AVL) technology.

(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 field supervisor.

307.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Watch Commander or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(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 field 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. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

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, the Watch Commander or the field 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

307.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly.

The officer shall notify the Watch Commander, field supervisor or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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307.9 EMERGENCY OPERATION ESCORTS

Officers are prohibited from escorting under emergency operation conditions (i.e., lights and siren) except when authorized to do so by a supervisor, or when performing one of the following:

(a) Escorting for the purpose of preserving life.

(b) Expediting the movement of supplies and personnel as may be necessary to ensure the safety and well-being of the community, as well as the efficient delivery of police services.

Officers shall consider the nature of the emergency, the dangers and hazards involved, and the emotional condition of the persons to be escorted before deciding to escort in emergency operations. Officers shall obtain the approval of a supervisor, when feasible, before participating in any emergency operation escort.

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Physical Evidence

308.1 PURPOSE AND SCOPE

Any item at the crime scene that can be used to ascertain what occurred and/or constitutes physical evidence, and all such articles which are, or may be, of value as evidence, will be collected and/or processed in accordance with established procedures.

308.2 EVIDENCE COLLECTION RESPONSIBILITY

It is the responsibility of the officer assigned the call to collect and preserve all physical evidentiary property at a crime scene, unless otherwise directed by a supervisor, and submit such to the Property and Evidence Section according to established procedures. All physical property collected by any department member, regardless of evidentiary value, shall be submitted to the Property and Evidence Section prior to the end of his or her shift. During the investigation of major cases, Identification Section officers or other specialized unit officers will collect and preserve physical evidentiary property and submit such to the Property and Evidence Section according to established procedures.

308.2.1 TRANSFER OF PHYSICAL EVIDENTIARY PROPERTY IN THE FIELD

An officer who collects physical evidentiary property in the field, and then transfers custody of such physical evidentiary property to another officer prior to its submission to the Property and Evidence Section, shall document the date and time of the transfer, the receiving officer’s name and functional responsibility, and the reason for the transfer. The documentation should be made in the related incident report or in a supplemental report.

308.3 PROPERTY MODULE

The appropriate property module must be completed and entered on all property or evidence taken into custody by a department member, and shall be routed to the Property and Evidence Section.

If no report is written due to details being reported on a Summons and Complaint, the officer shall obtain a case report number and enter all property into the appropriate property module for that case.

308.4 FIELD RELEASE OF EVIDENCE

Any item of evidence released in the field shall be photographed with the owner or owner's representative. The photographic medium shall be dated, marked with the officer's initials and case number and entered into evidence. If the photograph is digital, the memory disk will be forwarded to the Identification Section to be uploaded to the secure computer mainframe or uploaded into the records management system at a terminal per established procedures.

Any item of evidence or property that is not returned to the owner or owner's representative in the field shall be appropriately entered into the Property and Evidence Section before the officer ends his/her shift.

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308.5 NARCOTIC EVIDENCE

Narcotics and controlled substances shall be packaged separately from drug paraphernalia and other evidence. All narcotics and controlled substances collected by any department member shall be submitted to the Property and Evidence Section according to established procedures. Narcotics and controlled substances requiring laboratory testing shall be checked out of and in to the Property and Evidence Section according to procedures set forth in the Property and Evidence Section Standard Operating Procedures Manual.

308.6 DOCUMENT EVIDENCE

Department members shall properly package and identify documents of evidentiary value according to established procedures. Documents will not be marked in any way by anyone other than the specialist conducting the scientific examination.

When a document of evidentiary value is to be processed for fingerprints or for any other reason (such as lab or identification testing), the officer shall properly package, label and submit the document to the Property and Evidence Section. The officer will then complete the appropriate property module and submit a Request for Laboratory Examination to the Identification Section. Identification Section personnel will then be responsible for removing the document from the Property and Evidence Section, processing the document and returning the document back to the Property and Evidence Section.

308.7 LIQUOR EVIDENCE

Liquor evidence does not normally need to be collected by an officer. Liquor evidence may generally be photographed in the field and documented in a related report. In cases in which an officer needs to determine whether or not a liquid contains alcohol, the officer should use a portable breath tester (PBT) to make the determination.

Liquor evidence that must be collected at the time of an investigation shall be properly sealed (if opened) and marked for future identification by the investigating officer. The liquor evidence shall be entered into the appropriate property module, and an evidence tag will be completed and submitted to the Property and Evidence Section.

308.8 SEROLOGY EVIDENCE

All liquid blood, including that which is taken regarding a traffic related case using the appropriate blood kit, will be packaged in an evidence envelope and entered into the appropriate property module. The liquid blood will be turned in to the Property and Evidence Section to be refrigerated until transferal to the appropriate lab. During those hours when the Property and Evidence Section is closed, the liquid blood evidence will be placed in a secured temporary evidence refrigerator. The Property and Evidence Section will then transfer the blood evidence from the secure temporary evidence refrigerator to a refrigerator unit in the Property and Evidence Section. The Colorado Bureau of Investigation has established the following guidelines to ensure the proper handling of serology evidence:

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(a) Articles with suspected blood or seminal stains must be thoroughly air dried prior to submission.

(b) Items must be individually packaged and marked.

(c) Items must be wrapped in paper, placed in paper bags or placed in paper envelopes. The paper must be sealed with tape and the seals marked by the individual submitting the items. Staples, twist ties, paper clips and rubber bands are not considered seals.

(d) Items sealed in plastic will not be accepted until transferred to paper and sealed. The original plastic container will be attached to the outside for continuity purposes.

(e) The officer or detective shall insure that serology evidence is submitted to the laboratory without delay. Upon arrival at the CBI Laboratory, liquid blood samples are immediately frozen until analysis. Delay in submission causes putrefaction and deterioration of samples and decreases the value of the evidence.

308.9 SEXUAL ASSAULT EVIDENCE

The general rule to use in the collection of evidence in sexual assault cases is that any item with which the suspect may have come in contact and the probability exists that the suspect may have left behind a sample of his blood, urine, semen, saliva, hair or other items from his person, which may lead to the identification of this person as a suspect, should be collected as evidence.

308.9.1 ITEMS TO COLLECT IN SEXUAL ASSAULT CASES

When possible, the following items shall be preserved for evidence in sexual assault cases:

(a) "Sexual Assault Kit(s)" from the facility where the victim/suspect was examined.

(b) Items such as bed sheets, pillow cases, blankets, rugs, or other readily movable items at the location where the sexual assault occurred.

(c) The victim's clothing.

(d) The suspect's clothing, if available.

(e) Any object which the suspect may have touched which would leave fingerprints behind.

308.9.2 SEXUAL ASSAULT KIT

The investigating officer shall either personally pick up, or coordinate with another officer to have picked up, a "Sexual Assault Kit" from the facility where the examination of the victim and the suspect (if available) was performed. The "Sexual Assault Kit" shall be submitted to the Property and Evidence Section and entered into the appropriate property module. The accompanying Colorado Bureau of Investigation Request for Laboratory Examination (CBI Lab Request Form) shall be submitted to the Evidence Custodian. The "Sexual Assault Kit" must be refrigerated, so the submitting officer must ensure that it is placed in the secure temporary refrigerator using the designated slot if the Property and Evidence Section is closed. The Property and Evidence Section

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will then transfer the "Sexual Assault Kit" from the secure temporary evidence refrigerator to a refrigerator unit in the Property and Evidence Section.

308.10 URINE EVIDENCE

Any specimen of urine taken from any person/suspect will be packed in a standard diagnostic specimen kit designated for the collection of urine specimens, with the necessary documentation within the kit properly completed. All specimens will be entered into the appropriate property module. The specimen in the standard diagnostic specimen kit will be submitted to the Property and Evidence Section during normal business hours. When outside of the normal Property and Evidence Section business hours, the specimen will be placed in the secured freezer using the designated slot. The Property and Evidence Section will then transfer the standard diagnostic specimen kit from the secure temporary evidence freezer to a freezer unit in the Property and Evidence Section.

308.11 SUBMITTING EVIDENCE TO THE IDENTIFICATION SECTION LABORATORY

308.11.1 RESPONSIBILITY FOR SUBMITTING EVIDENCE

As established in this policy, it is the responsibility of the officer assigned the call to collect and preserve all physical evidentiary property at a crime scene, unless otherwise directed by a supervisor, and submit such to the Property and Evidence Section according to established procedures. During the investigation of major cases, however, Identification Section officers or other specialized unit officers will collect and preserve physical evidentiary property and submit such to the Property and Evidence Section according to established procedures.

The department member who collects, preserves and packages physical evidentiary property, and subsequently submits such to the Property and Evidence Section, is responsible for completing a Pueblo Police Department – Identification Section Request for Laboratory Examination (Lab Request Form) for any piece of evidence he/she wishes to have examined by the Identification Section. The Lab Request Form should contain the following information:

(a) The name of the requesting officer

(b) The case report number and basic information about the crime

(c) A synopsis of the case or a copy of the requesting officer’s report

(d) A description of the type of examination being requested

(e) The location of the item(s) to be examined

(f) The name of the owner of the item(s)

The completed Lab Request Form shall then be submitted to the Identification Section. Identification Section personnel will then collect the item(s) from the Property and Evidence Section and conduct the examination.

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308.11.2 PACKAGING AND TRANSMITTING EVIDENCE TO THE IDENTIFICATION SECTION LABORATORY

Officers who collect and preserve physical evidentiary property shall package such according to the procedures set forth in this policy, the Property and Evidence Policy and the Property and Evidence Section Standard Operating Procedures Manual.

Physical evidentiary property requiring laboratory examination will be transmitted to the Identification Section laboratory via a member of the Identification Section collecting the item(s) from the Property and Evidence Section. The member of the Identification Section who collects the item(s) from the Property and Evidence Section and conducts the laboratory examination will be responsible for returning the item(s) to the Property and Evidence Section upon completion of the examination.

308.11.3 ACCOMPANYING DOCUMENTION

Physical evidentiary property being examined internally by the Identification Section does not require accompanying documentation when being transmitted from the Property and Evidence Section to the Identification Section laboratory. All chain of custody documentation, however, must be completed at the time the item(s) are being checked out of, and checked back in to, the Property and Evidence Section.

308.11.4 CHAIN OF CUSTODY

The member of the Identification Section who collects physical evidentiary property from the Property and Evidence Section for laboratory examination shall sign a chain of custody form at the time he/she checks the item(s) out of the Property and Evidence Section. At the conclusion of the laboratory examination, the member of the Identification Section who checked the item(s) out of the Property and Evidence Section and conducted the laboratory examination shall sign the chain of custody form when returning the item(s) to the Property and Evidence Section. Chain of custody documentation will be maintained by the Property and Evidence Section.

308.11.5 RESULTS OF LABORATORY EXAMINATION

At the conclusion of the laboratory examination, the member of the Identification Section who conducted the examination shall draft a supplemental report that includes the type of examination conducted and the results of the examination.

308.12 SUBMITTING EVIDENCE TO THE CBI LABORATORY

308.12.1 RESPONSIBILITY FOR SUBMITTING EVIDENCE

It is the responsibility of the officer who requests laboratory examination of physical evidentiary property by the Colorado Bureau of Investigation to submit the item(s) to the CBI Laboratory. This may be the officer who handles the initial investigation and evidence collection, or it may be a detective who is assigned the case for follow-up investigation.

The department member who requests laboratory examination by the CBI shall draft a cover letter on department letterhead that contains a synopsis of the case or the officer’s report, and a description of the type of examination requested. The department member shall also complete a

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Colorado Bureau of Investigation Request for Laboratory Examination (CBI Lab Request Form) for any piece of evidence he/she wishes to have examined by the CBI. The CBI Lab Request Form should contain the following information:

(a) The name of the requesting officer and his/her telephone number and email address

(b) The case report number

(c) The offense and NCIC offense code (from the offense book supplied by NCIC)

(d) The jurisdiction in which the case will be filed

(e) Check box indicating whether the case is new or the items being submitted are additional to an existing case

(f) Each item submitted must be listed separately and assigned an item number on the CBI Lab Request Form.

Physical evidentiary property submitted to the CBI Laboratory for examination must fit the criteria set forth in the CBI Laboratory Submission Guidelines, which can be found at https://www.colorado.gov/pacific/cbi/laboratory-submission-guidelines.

308.12.2 PACKAGING AND TRANSMITTING EVIDENCE TO THE CBI LABORATORY

Officers who collect and preserve physical evidentiary property shall package such according to the procedures set forth in this policy, the Property and Evidence Policy and the Property and Evidence Section Standard Operating Procedures Manual. Items shall be transmitted to the CBI Laboratory in their original packaging, sealed and marked according to established procedures.

Physical evidentiary property requiring laboratory examination by the CBI will be transmitted to the CBI Laboratory by the department member requesting the examination. Before the item(s) are transmitted to the CBI, a telephone call should be made to make an appointment to deliver the item(s). The telephone number is (719) 647-5999. Submitting officers may be asked to speak to a serologist or other laboratory employee about the case before the item(s) are transmitted to the CBI.

If an officer is off-duty during the CBI's hours of operation, the CBI Lab Request Form and cover letter may be placed in the Identification Section mailbox. Identification Section personnel will then collect the item(s) from the Property and Evidence Section and transmit the item(s) to the CBI Laboratory during its hours of operation.

308.12.3 ACCOMPANYING DOCUMENTION

Physical evidentiary property being transmitted to the CBI Laboratory for laboratory examination must be accompanied by a completed CBI Lab Request Form and cover letter. The CBI Lab Request Form contains a chain of custody section that must be signed by the officer delivering the item(s) as well as the CBI agent accepting the item(s). A copy of the CBI Lab Request Form and cover letter should be requested after the chain of custody signatures have been captured. These documents must then be scanned into the report as attachments.

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308.12.4 CHAIN OF CUSTODY

The chain of custody of physical evidentiary property transmitted to the CBI Laboratory for laboratory examination shall be documented as follows:

(a) The department member who collects physical evidentiary property from the Property and Evidence Section for transmittal to the CBI Laboratory shall sign a chain of custody form at the time he/she checks the item(s) out of the Property and Evidence Section.

(b) The department member who collected the physical evidentiary property from the Property and Evidence Section for transmittal to the CBI Laboratory shall sign the chain of custody section located on the CBI Lab Request Form at the time he/she delivers the item(s) to the CBI Laboratory.

(c) The department member who collects the physical evidentiary property from the CBI Laboratory after it has been examined shall sign the chain of custody section located on the CBI Lab Request Form at the time he/she takes possession of the item(s).

(d) The department member who collected the physical evidentiary property from the CBI Laboratory at the conclusion of the laboratory examination shall sign the chain of custody form when returning the item(s) to the Property and Evidence Section.

Pueblo Police Department chain of custody documentation will be maintained by the Property and Evidence Section. The original copy of the CBI Lab Request Form, which contains chain of custody documentation, will be maintained by the CBI.

308.12.5 RESULTS OF LABORATORY EXAMINATION

At the conclusion of the laboratory examination, the CBI will submit a written report documenting the outcome of the laboratory examination that was conducted. The CBI report will be added to the report as an attachment.

308.13 SUBMITTING EVIDENCE TO THE FBI LABORATORY

308.13.1 RESPONSIBILITY FOR SUBMITTING EVIDENCE

It is the responsibility of the officer who requests laboratory examination of physical evidentiary property by the Federal Bureau of Investigation to submit the item(s) to the FBI Laboratory. This may be the officer who handles the initial investigation and evidence collection, or it may be a detective who is assigned the case for follow-up investigation.

The department member who requests laboratory examination by the FBI shall draft a letter on department letterhead that includes a description of the items being sent and the type of examination being requested. The letter should include the following information:

(a) The name of the requesting officer and his/her telephone number and email address

(b) The case report number and basic information about the crime

(c) A synopsis of the case or a copy of the requesting officer’s report

(d) A description of the type of examination being requested

(e) A request for a written report detailing the outcome of the laboratory examination

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308.13.2 PACKAGING AND TRANSMITTING EVIDENCE TO THE FBI LABORATORY
Officers who collect and preserve physical evidentiary property shall package such according to the procedures set forth in this policy, the Property and Evidence Policy and the Property and Evidence Section Standard Operating Procedures Manual. Items shall be transmitted to the FBI Laboratory in their original packaging, sealed and marked according to established procedures.

Physical evidentiary property requiring laboratory examination by the FBI will be transmitted to the FBI Laboratory by the department member requesting the examination. The item(s) may be sent via certified mail or delivered to an area FBI field office. Items mailed should be secured in appropriate protective packaging. Property and evidence technicians can provide assistance in mailing packages to the FBI.

If an officer is off-duty during the FBI field office's hours of operation, the letter may be placed in the Identification Section mailbox. Identification Section personnel will then collect the item(s) from the Property and Evidence Section and transmit the item(s) to the FBI field office during its hours of operation.

308.13.3 ACCOMPANYING DOCUMENTION
Physical evidentiary property being transmitted to the FBI Laboratory for laboratory examination must be accompanied by a letter that includes the information described above.

308.13.4 CHAIN OF CUSTODY
The department member who collects physical evidentiary property from the Property and Evidence Section for laboratory examination by the FBI shall sign a chain of custody form at the time he/she checks the item(s) out of the Property and Evidence Section. The department member shall also document the chain of custody in a supplemental report.

At the conclusion of the laboratory examination, the department member who receives the item(s) back from the FBI shall document the chain of custody in a supplemental report and sign the chain of custody form when returning the item(s) to the Property and Evidence Section. Chain of custody documentation will be maintained by the Property and Evidence Section.

308.13.5 RESULTS OF LABORATORY EXAMINATION
At the conclusion of the laboratory examination, the FBI will submit a written report documenting the outcome of the laboratory examination that was conducted. The FBI report will be added to the report as an attachment.

308.14 TRAINING
Department members charged with collecting evidence shall complete initial training on evidence collection and refresher training at least once every four years, at a minimum.

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Canine Unit

309.1 PURPOSE AND SCOPE

The Canine Unit is a support component that utilizes specially trained officers and canines to supplement the efforts of the Department proactively and reactively in crime prevention, crime detection, criminal apprehension and officer safety. The Canine Unit provides assistance in searching for suspects or lost persons, drug detection, and officer protection consistent with the Pueblo Police Department's mission of crime prevention, detection and apprehension in a safe and professional manner.

309.1.1 CANINE UNIT RESPONSIBILITIES

The Canine Unit shall operate in support of department objectives and is responsible for providing effective specialized services whenever necessary to ensure quality police service to the citizens of the City of Pueblo.

309.2 CANINE UNIT SUPERVISION

The Canine Unit consists of selected canine handlers (and canines) working under the direct supervision of their immediate supervisors (sergeants) and the overall direction of the captains of the divisions to which the canine handlers are assigned.

309.2.1 CANINE UNIT SUPERVISOR RESPONSIBILITIES

The canine handler’s immediate supervisor shall be responsible for the direct supervision of the canine handler. This includes ensuring the canine handler’s proper deployment in the field, documenting canine handler performance and use of force incidents, providing direction when needed, and otherwise fulfilling all of the general supervisory duties expected for any other employee.

309.2.2 CANINE UNIT CAPTAIN RESPONSIBILITIES

The captain of the division to which the canine handler is assigned shall be responsible for providing administrative support to the canine team, such as ensuring that training requirements are met; procuring necessary equipment, food and supplies; maintaining activity records; reviewing all biting incidents; inspecting the canine handler, canine, vehicle(s) and kennel facilities; ensuring the maintenance of canine medical records; and participating in the selection of handlers and canines.

309.3 CANINE HANDLER RESPONSIBILITIES

Canine handlers shall perform duties as assigned to assist the various components of the Department using the special abilities of the police canines. They shall be responsible for their assigned police canine in accordance with department policies and procedures; respond to calls for service (as applicable); maintain required standards of proficiency for themselves and their assigned canine through continual training; document all training; maintain training equipment; care for and maintain their assigned canine in their home at department expense; provide for medical care and treatment by transporting their assigned canine to the designated veterinarian

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at any time such care and treatment is required, at department expense; prepare and submit all appropriate reports and logs pertinent to their daily, weekly and monthly activities to their captain; and maintain physical appearance and standards in accordance with department policy.

309.4 OWNERSHIP OF POLICE CANINES

All canines accepted for use by the Canine Unit are the sole property of the Pueblo Police Department. Department-owned canines are not available for breeding purposes, except with permission of the Chief of Police. The canines are to be considered as a valuable tool, issued to the handlers by the Department. Proper care and maintenance of the canine is the responsibility of the handler.

309.5 UTILIZATION OF POLICE CANINES

The handler has responsibility for the canine and its actions. The handler shall exercise control over the police canine at all times.

A police canine may be used under the following circumstances:

(a) For the protection of the handler or canine, other officers, or citizens in imminent danger.

(b) To search for lost persons, suspects, evidence or contraband.

(c) In the apprehension of a fleeing suspect when probable cause exists to indicate the suspect has committed a felony pursuant to CRS § 18-1-707, and in compliance with the Use of Force Policy. The policy applicable to apprehension is further detailed within this policy.

(d) To control or apprehend a violent or dangerous suspect.

309.5.1 RESTRICTIONS ON USE OF POLICE CANINES

It is important that the canine handler understand the liability involved in the use of police canines as a law enforcement tool. When a police canine is used to effect an arrest or in some other law enforcement capacity, it represents a use of force under the Use of Force Policy. The following restrictions also apply:

(a) Handlers will not allow their canines to create a nuisance in or around any inhabited dwelling or public area.

(b) Department personnel shall not tease or agitate a police canine, nor allow others to do so, except during authorized training sessions.

(c) No person shall work or train a police canine without prior approval of the canine's handler.

(d) Handlers will park their vehicle in such a way to limit public access to the police canine.

(e) Police canines will generally not be taken inside a residence on family disturbances or routine business.

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(f) Police canines will generally not be taken into crowded public places (e.g., bars, restaurants, theaters, etc.).

(g) When the canine handler is out of sight of, or away from their vehicle for an extended period of time, the remote door release mechanism will be placed in the "off" position.

(h) Police canines assigned to the Patrol Division will be transported only in a marked canine unit vehicle unless prior approval is obtained from the responsible captain.

(i) Police canines will be on lead unless off lead deployment is necessary.

309.5.2 POLICE CANINE BITES

Canine handlers shall immediately report all on-duty canine bites to their immediate supervisor. The immediate supervisor will conduct an investigation of the incident consistent with the Use of Force Policy, if applicable, and ensure that the appropriate canine bite report is prepared. Canine handlers will make a complete and detailed report of all bites by their canine, whether the bite occurs on or off-duty, and ensure that the appropriate canine bite report is completed.

309.6 POLICE CANINE WELFARE

309.6.1 HANDLER DUTIES IF CANINE IS INJURED OR ILL

If a police canine is unable to work due to injury or illness, the canine handler will inform his/her supervisor. Unless otherwise directed, the handler will report for normal duty. In the event that a police canine becomes sick or injured to the extent that professional medical attention is required, it shall be the responsibility of the handler to transport the canine to the designated veterinarian. A veterinary examination report will be submitted to the handler's supervisor and captain advising the nature and prognosis of the illness or injury.

309.6.2 RETIREMENT OF POLICE CANINES

When it becomes necessary to retire a police canine from active duty, the Department may transfer ownership of the animal to the last handler, provided that the handler wishes to keep the police canine. Should the last handler decline to accept the animal, the Chief of Police shall make an appropriate disposition based on the following criteria:

(a) Placement of the police canine with another handler.

(b) Placement of the police canine with a previous handler who is currently a member of the Department.

(c) Euthanasia.

Police canines will be retired on the recommendation of the department veterinarian and the canine handler's captain, with the approval of the Chief of Police. A contract releasing the City of all liability must be signed by the Chief of Police and the officer taking possession of the police canine. The appropriate procedures will be completed to remove the police canine from the inventory of City property.

309.6.3 DEATH OF A POLICE CANINE

In the event of the death of a department canine:

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(a) The canine's handler will prepare a complete and detailed report concerning the circumstances of the canine's death.

(b) The canine handler's supervisor will conduct an investigation of the incident.

(c) A necropsy, if indicated, will be performed by a qualified veterinarian. The post mortem report will be included in the case file of the incident.

(d) If it is determined that the death was the result of a criminal act appropriate steps will be taken to bring charges against the suspect.

309.6.4 24-HOUR CARE AND MAINTENANCE OF POLICE CANINE

Police canines shall be provided with care and maintenance on a 24-hour basis. Canine handlers are responsible for providing such care and maintenance directly to their assigned police canines as follows:

(a) The canine handler shall ultimately be responsible for the health and welfare of the police canine, and shall ensure that the canine receives proper nutrition, grooming, medical care, affection and living conditions.

(b) The police canine will be housed and cared for at the canine handler's residence when the canine is off-duty. The canine shall not be lodged at a different location unless approved by the handler's supervisor.

(c) Whenever a canine handler is off-duty and/or away from his/her residence for an extended amount of time, it may be necessary to temporarily board the police canine at a department-approved boarding establishment. In those situations, the handler shall give reasonable notice to the handler's supervisor prior to boarding the canine.

(d) Any changes in the housing status of the canine handler that may affect the lodging or living environment of the police canine shall be reported to the handler's supervisor.

(e) The police canine should be permitted to socialize with humans and animals (as deemed appropriate by the canine handler) in the canine handler's home for short periods of time, under the direct supervision of the handler.

(f) Except as required during authorized deployments, the canine handler shall not expose the police canine to any foreseeable and unreasonable risk of harm.

(g) In the event that a police canine is injured or becomes ill while off-duty, the canine handler shall ensure that the canine receives proper medical attention from the designated veterinarian in accordance with the provisions set forth in this policy.

309.7 CANINE HANDLER APPLICATION CRITERIA

Canine Unit vacancies will be posted in compliance with the Specialized Assignment Transfers and Collateral Duty Assignments Policy. Department members interested in applying for the Canine Unit shall follow the procedures set forth in the Specialized Assignment Transfers and Collateral Duty Assignments Policy as well as the specific directions outlined in the assignment posting.

309.7.1 CANINE HANDLER QUALIFICATIONS

Applicants for the position of canine handler must meet the following criteria:

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(a) Eighteen months continuous service with the Department.

(b) Demonstrated ability to prepare comprehensive and well-written reports.

(c) Agree to serve as a canine handler for a minimum of three years.

(d) Agree to call back assignment during off-duty hours.

(e) Be able to provide a fenced yard for the canine.

(f) Be physically able to meet the requirements of the assignment.

Other factors that will be considered are experience, reliability, judgment, patience, communication skills, interpersonal skills, motivation, self-discipline, and the ability to perform under minimum supervision.

309.8 CANINE HANDLER TRAINING

Department members selected as canine handlers must successfully complete a department-selected canine handler certification course from a law enforcement recognized training program prior to assuming the duties and responsibilities of a canine handler. Canine handlers shall also complete annual retraining of a minimum of eight hours in order to maintain certification by the Department as a canine handler. All canine handler training shall be from a law enforcement recognized training program specific to law enforcement use, preferably from a program that meets the standards established by the United States Police Canine Association (USPCA).

Canine handlers shall maintain detailed written records of all training received by the police canine and the canine handler throughout the duration of the canine team. Separate copies will be provided to the Training Section, per department policy.

309.9 POLICE CANINE SELECTION CRITERIA

Police canines will meet the following criteria:

(a) Be at least middle-sized (65-100 pounds).

(b) Have proportionate lines harmonious with a straight solid back and shoulders.

(c) Be a minimum of eighteen months of age, or a maximum of four years of age.

(d) Teeth must pass a veterinarian examination.

(e) Be X-rayed for hip dysplasia with a Schnelle grading of #0 or #1, or a rating of excellent or good from the Orthopedic Foundation for Animals, or a German "A"stamp rating or "normal" or "fass normal."

(f) Have a general physical examination to include a fecal examination and DHL and rabies booster.

Before any canine is considered for police training it must be tested and evaluated as to its fitness for police service. The purpose of pre-testing is to determine if the animal has any undesirable temperament characteristics that would adversely affect its serviceability. Testing will be done by trained police canine handlers.

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Pre-testing shall measure the following qualities for all canines considered for service with the Department:

(a) Temperament,

(b) Alertness,

(c) Courage and aggression,

(d) Drive,

(e) Gun sureness, and

(f) Physical ability.

Any animal that is found to have undesirable temperament characteristics will be eliminated from consideration prior to any medical testing.

309.10 CANINE TRAINING

Training is essential to the effectiveness of the Canine Unit and ensures field readiness of both handlers and canines. Mandatory training shall consist of the following:

(a) Eight hours weekly, and

(b) Fifteen to twenty minutes daily (in service).

Canine handlers shall attend all canine training sessions unless prior approval of absence has been obtained from the canine handler's captain.

Canine handlers shall report any injury or bite occurring during training immediately and file appropriate injury reports.

Any handler having a significant training related problem shall notify his/her captain as soon as the problem is discovered and prepare a remediation plan to correct the problem.

309.11 CANINE UNIT SUPPLIES AND EQUIPMENT

309.11.1 AUTHORIZED SUPPLIES

An open purchase order will be maintained with a designated supplier to facilitate obtaining necessary food, cleaning and sanitation supplies. All other Canine Unit purchases must be submitted through normal requisition procedures.

309.11.2 CANINE EQUIPMENT

Each canine handler will be furnished with the following equipment:

- Leather muzzle (1)
- Leather leash, five feet, metal snap (1)
- Traffic leash, one foot (1)
- Tracking lead, fabric, 30 feet (1)

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- Tracking lead, fabric, 15 feet (1)
- Choke chain, "Fur Saver" (1)
- Pinch collar (1)
- Water dish (1)
- Bowl, metal or Bakelite, five quart (2)
- Hard rubber ball (1)
- Bristle brush (1)
- Undercoat rake (1)

This equipment will be maintained in proper condition. If any discrepancy should arise, it should be reported immediately to the responsible captain.

309.11.3 KENNEL FACILITY

Each handler will be provided with a six feet by six feet, pre-fabricated, portable chain link kennel, which will be placed at the canine handler's home. The handler is responsible for the upkeep and sanitation of the kennel with an approved disinfectant. Kennels will be subject to inspection. Emergency kenneling facilities will be maintained at the Pueblo Municipal Justice Center.

309.11.4 CANINE UNIT VEHICLES

A properly equipped, marked police unit, suitably altered to meet the specific needs of the Canine Unit, will be assigned to each Patrol Division canine handler. Such vehicle shall be used in the performance of duty or other police-related functions such as training, public relations programs and call outs. The marked police units assigned to Patrol Division handlers shall be specifically marked as canine units.

Vehicles assigned to canine handlers shall be properly maintained and cleaned pursuant to the Vehicle Use Policy.

309.11.5 CANINE HANDLER UNIFORMS

Patrol Division canine handlers will maintain the standard department uniform as outlined in the Uniform Regulations Policy. Further, canine handlers are allowed to report for duty in the K-9 Utility Uniform as approved by the Chief of Police.

309.11.6 CARE AND MAINTENANCE OF EQUIPMENT

The following regulations apply to the Canine Unit:

(a) All canine handlers will maintain their issued equipment in safe working condition.

(b) Any broken or malfunctioning equipment will be reported immediately.

(c) Canine handlers are responsible for ensuring that their vehicles are working properly and that all needed maintenance is reported.

(d) All vehicles must be cleaned regularly to avoid odor.

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(e) No alterations will be made to a canine vehicle without permission.

(f) Handlers are responsible for reporting any damage to their vehicles that is caused by their canine as soon as possible.

309.11.7 INSPECTIONS

Canine handlers will be subject to inspection by their supervisor or captain. Items that may be inspected include the handler's personal appearance, the canine's appearance, kennel upkeep, vehicles and equipment.

309.12 INJURED CANINE HANDLER PROCEDURES

The close bond that exists between police canines and their handlers can result in the canine preventing the approach of anyone attempting to assist an injured handler. In the event a handler becomes incapacitated, other officers shall use caution handling the canine. After the canine is secured, it should be transported to the injured handler's home or to the Pueblo Municipal Justice Center kennel.

309.13 USE OF POLICE CANINES

309.13.1 CANINE TACTICS

The tactics and manner in which a canine is to be utilized in a specific operation shall be the decision of the canine handler, within the canine's ability and department policy.

309.13.2 CANINE-ASSISTED APPREHENSION

Certain police canines are trained to, on command, locate and control persons suspected of committing criminal acts. When the canine is used in this manner, all canine handlers shall adhere to the following policy:

(a) Whenever possible the handler will advise the Communications Center and other field units that the canine will be deployed off lead.

(b) Before the canine is released, the handler must take every prudent step to ensure that the person to be apprehended is the suspect. The handler shall, except in those cases where to do so would present a substantial risk to the officer or others, verbally warn the suspect that the canine will be released.

(c) If the canine is to be released to search the interior of a building, the handler will make the following announcement two times prior to releasing the canine: "POLICE DEPARTMENT CANINE, COME OUT NOW OR I'LL SEND THE DOG AND HE MAY BITE YOU!"

(d) If the canine is to be released to apprehend a fleeing suspect, the handler will make the following announcement two times prior to releasing the canine: "POLICE DEPARTMENT CANINE, STOP OR I WILL SEND THE DOG AND HE MAY BITE YOU!"

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(e) The handler will not knowingly send the canine after a suspect being pursued by other officers.

If the canine locates a suspect, the canine will control the suspect until the handler arrives and effects the arrest. The handler will immediately relinquish control of the suspect to the first available cover officer.

In case of a bite, the canine will control the suspect until the suspect can be taken safely into custody. The handler will take physical control of the canine and direct the cover officer to take control of the suspect. In the event there is no cover officer available to assist, the canine will be left on the bite until the handler can safely take the suspect into custody. The handler will immediately command the suspect to "STOP FIGHTING THE DOG" and "SHOW ME YOUR HANDS" and on compliance, immediately order the canine out.

309.13.3 CROWD CONTROL

Canine teams should remain behind the front line of officers engaged in crowd control, and at all times will be worked on a 5 foot leash.

309.13.4 USE OF CANINES AT SWAT INCIDENTS

During Special Weapons and Tactics Team deployments, canine teams should be used primarily in perimeter control and suspect apprehension.

309.13.5 CANINE SEARCHING PROCEDURES

Before conducting any building search, the canine handler shall contact the primary unit on scene and:

(a) Verify perimeter security,

(b) Verify entry and method used,

(c) Develop intelligence from officers on scene as to the best location to start the search,

(d) Check to see if any officers have entered the building and are still inside, and

(e) Conduct a perimeter survey.

Before entering a commercial building the canine handler shall:

(a) Select a cover officer and brief him/her as to their responsibilities,

(b) Assume surveillance position at the entry point and allow the canine to scent while the handler visually clears area,

(c) Give a verbal warning as outlined in this policy, and

(d) Send in the canine with the command to search. Once inside the building, the cover officer shall remain behind the canine handler.

The handler shall utilize the same procedures for residential searches as for commercial searches, however the following shall also apply:

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(a) Before conducting a search of a residence, the handler shall make every effort to ensure the safety of any of the residents who may be inside.

(b) Residential searches shall be conducted on leash.

Before conducting a search for a suspect in an open area, the handler shall contact the officer in charge of the scene and determine the following:

(a) Nature of the crime,

(b) Suspect description,

(c) Location suspect last seen and direction of travel,

(d) Length of time since suspect last seen,

(e) If any officers have entered the search area and are still in area, and

(f) Whether a perimeter has been established and its integrity.

Prior to entering the search area, the handler shall ensure the following has been accomplished:

(a) Select and brief a cover officer,

(b) Advise the Communications Center and other units via radio that an open area search is going to be conducted, giving the location of the search,

(c) Give a warning announcement as outlined in this policy, and

(d) Give the command to search and send the canine.

When conducting an open area search, the handler shall make every effort to stay in contact with the canine. The cover unit shall remain with the canine handler and follow his/her instructions.

If the canine locates the suspect, the canine will control the suspect until the handler arrives. If two or more suspects are involved, the handler should maintain his position until another cover officer arrives and then resume the search. After the suspect(s) are in custody, the handler will follow the cover officer and suspect out of the area, with the canine on lead.

In the event of a foot pursuit the handler will notify the Communications Center and other units immediately via police radio. Care must be taken during foot pursuits to avoid injury to bystanders. Handlers must weigh the need for a foot pursuit in residential areas with officers and onlookers present. Whenever practical, the handler should loudly shout the apprehension warning as outlined in this policy.

309.13.6 TRACKING FOR SUSPECTS OR LOST/MISSING PERSONS

The immediate establishment of a crime scene perimeter may be the single most important factor that determines success when tracking a suspect. The officer in charge of the scene is responsible for establishing the perimeter. An additional duty of the officer in charge, prior to Canine Unit arrival, is to locate and protect the last known undisturbed direction of travel of the offender or lost/missing person. At least one additional officer will be used during a criminal suspect track. When available, this officer should be one familiar with the canine performing the track or canine

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tracking in general. The canine will not be off lead when tracking a suspect or lost/missing person, unless prohibited by the terrain.

309.13.7 DETECTION CANINES

All drug detection searches will be conducted in accordance with applicable laws, department policy and legal decisions governing search and seizure.

(a) Canine handlers working a trained detection canine are responsible for maintaining the maximum efficiency of the canine through continued training in accordance with accredited procedures. The handler will maintain consistent records on the canine's training, finds and searches.

(b) Handlers will be issued small amounts of narcotics for maintenance training and will be held accountable for proper storage.

(c) All narcotics will be inspected and weighed by the Narcotics Section Sergeant when issued and when returned.

309.14 UNATTENDED CANINES

As a general rule, canines are never to be left unattended. When not in the immediate control of the handler, the canine is to be secured in a department-provided kennel. There may be instances when it is necessary to leave the canine unattended for a short period of time. If this becomes necessary, the following rules must be followed:

(a) When securing the canine outside the canine vehicle, steps should be taken to ensure that the canine cannot injure himself or others.

(b) Ensure that the canine has an adequate supply of water.

(c) Ensure that the canine has sufficient shade during warm weather.

(d) Check the canine frequently.

309.15 CANINE UNIT ACTIVITY REPORTS

The canine handler will be responsible for the completion of an activity report in all situations where the canine is utilized to make an arrest or a bite occurs. The activity report will be completed and turned in at the end of each shift.

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Domestic Violence

310.1 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. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The Pueblo Police Department'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 department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 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.

310.4 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.

(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.

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(d) When practicable and legally permitted, video or audio record 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 the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Domestic Violence Unit in the event that the injuries later become visible.

(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 agency 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 should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

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310.4.1 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.

310.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, ACOVA).

(b) Document the resolution in a report.

310.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(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.

310.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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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.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.8 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:

(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.

310.8.1 VERIFICATION OF TRIBAL PROTECTION ORDERS

If any party to a domestic dispute is a member of a tribe or consider themselves a Native American person, officers should ask whether there are any protection orders from a tribal court.

Officers should take reasonable steps to verify the protection order, including calling the relevant tribe’s dispatch line, and not rely solely on National Crime Information Center or other databases.

310.9 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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(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.

(c) 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.

(d) 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).

(e) 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).

310.9.2 REPORTS AND RECORDS

The Records Manager will maintain records on the number of domestic violence-related calls reported to the Pueblo Police Department and forward such records to the state as required (CRS § 18-6-803.9).

In the event that an individual is arrested by the Pueblo Police Department for violating a court order, the Domestic Violence Unit 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 Domestic Violence Unit 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 agency, 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 Pueblo Police Department for violating or attempting to violate a protection order, the Domestic Violence Unit 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).

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310.9.3 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 ensure the person is served with a copy of the order (CRS § 13-14-107). To accomplish such service, the officer shall summon the Pueblo County Sheriff's Office to respond and a deputy will serve the person with a copy of the order.

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Interviews and Interrogations - Constitutional Requirements

311.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for observing and complying with every person's clearly established rights under the United States and Colorado Constitutions in interview and interrogation situations.

The procedures set forth in this policy do not apply to the interviewing of individuals for the purpose of conducting administrative investigations.

311.1.1 DEFINITIONS

Custody - Custody occurs when an individual is taken into custody or otherwise deprived of his/her freedom of action in any significant way. Neither the officer's belief nor the individual's belief as to whether he/she was actually in custody is determinative of the issue. Courts will decide whether a reasonable person would have reasonably believed that the individual's freedom of action was significantly deprived under the circumstances.

Field Interview - 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.

Interrogation - Formal and systematic questioning, primarily from the interrogator to the individual, that is designed to overcome the individual's reluctance to admit his/her involvement in a crime, and ultimately to elicit an admission or confession. An interrogation is distinguished from an interview in that it is accusatory in nature and is designed to elicit incriminating information.

Interview - Two-way communication between a peace officer and another designed to elicit verbal and non-verbal information about a matter under investigation. An interview is distinguished from an interrogation in that it is non-accusatory and probative in nature.

311.2 POLICY

While conducting interviews and/or interrogations, officers shall diligently protect the constitutional rights of all persons with whom they come into contact, specifically, those rights concerning self-incrimination, counsel, search and seizure, and due process.

311.3 INTERVIEWS, INTERROGATIONS AND FIELD INTERVIEWS

The effective use of interviews, interrogations and field interviews is often crucial in solving crimes. Officers should remember that by using innovative, yet proper methods, much valuable evidence can be obtained from victims, witnesses and suspects. A flexible and effective interview technique can elicit valuable evidence that might otherwise be lost.

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311.3.1 COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS

All officers, while conducting interviews (to include field interviews) and interrogations during criminal investigations, shall take all precautions necessary to ensure that all individuals involved are afforded their constitutional safeguards.

- Officers shall ensure that all statements or confessions are of a voluntary nature and no coercion whatsoever is used.
- Prior to any custodial interview or interrogation, the individual must be advised of his/her *Miranda* rights.
- Arrested persons will have the right to communicate with, and to have present for consultation, an attorney, in accordance with Colorado Revised Statutes 16-3-401 through 16-3-404.

311.3.2 INTERVIEW PROCEDURE

Interviews are considered a fact-finding process. The purpose of interviews is to gain knowledge of a crime or event which has occurred. Interviews can be with victims, witnesses and suspects. Interviews are usually based on a consensual situation, but can be conducted during an investigatory stop based on reasonable suspicion (field interview). Additionally, interviews may be conducted either as custodial where *Miranda* applies, or they can be non-custodial where the individual being interviewed can stop the process and leave if he/she wishes.

Non-custodial interviews shall be conducted as follows:

(a) The interview should be recorded using the interview rooms located at the Pueblo Municipal Justice Center if possible.

(b) If the interview is to be conducted at the Pueblo Municipal Justice Center, the individual to be interviewed can transport himself/herself in his/her personal vehicle or otherwise secure his/her own transportation.

(c) Individuals to be interviewed can be transported to and from the Pueblo Municipal Justice Center by officers.

(d) Prior to conducting the interview, the officer shall ask the individual to be interviewed if he/she has any weapons on his/her person. If warranted, the officer shall conduct a pat down search. This will ensure the safety of the individual being interviewed and the safety of the officers involved.

(e) It should be made clear to the individual being interviewed that he/she is not under arrest, and he/she can stop the interview and leave at any time.

(f) The trauma/stress to which a victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.

(g) Prior to concluding the interview, the officer conducting the interview shall obtain complete and accurate contact information from the individual being interviewed in the event follow-up becomes necessary.

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(h) The individual who was interviewed can either leave by whatever means he/she transported himself/herself to the Pueblo Municipal Justice Center, or an officer can transport the individual to a desired location.

(i) If during the course of an interview it becomes apparent to the officer that he/she will be taking the individual being interviewed into custody, questioning must cease and the individual must be advised of his/her rights per Miranda subject to the procedures governing custodial interviews set forth in this policy.

(j) Non-custodial interviews of juveniles may be conducted according to the procedures set forth in this policy as well as in the Temporary Custody of Juveniles Policy.

Custodial interviews shall be conducted as follows:

(a) The interview should be recorded using the interview rooms located at the Pueblo Municipal Justice Center if possible.

(b) If the individual to be interviewed has been taken into custody at a location outside of the Pueblo Municipal Justice Center, and the interview is to be conducted at the Pueblo Municipal Justice Center, the individual to be interviewed shall be transported to the Pueblo Municipal Justice Center by an officer in accordance with the transportation procedures set forth in the Handcuffing and Restraints Policy.

(c) Prior to conducting the interview, the officer conducting the interview shall ensure that a custody search is completed on the individual to be interviewed in accordance with the procedures set forth in the Custodial Searches Policy.

(d) Although it is not a requirement, it is preferable to have two officers completing an interview with the primary officer conducting the interview and the secondary officer listening and taking notes for follow-up questions. Additionally, two officers conducting the interview increases the safety of the officers in the event the individual being interviewed acts out in aggression.

(e) Prior to the interview, a *Miranda* advisement, approved by the Pueblo County District Attorney's Office, must be given to the individual to be interviewed.

1. The *Miranda* advisement may be completed either verbally or in writing using Pueblo Police Department form #PPD-110.
2. The circumstances surrounding the advisement, including any statements made by the individual in response to the advisement, should be documented within the incident report.
3. If the individual is a juvenile, both the juvenile and his/her parent or legal guardian must be advised.
    (a) Both the juvenile and his/her parent or legal guardian must waive the juvenile's *Miranda* rights in order for the interview to proceed.
    (b) The parent or legal guardian must be physically present during the interview unless the parent has waived his or her right to be present in writing (CRS § 19-2-511).

(f) Prior to the interview of an individual who has been advised of his/her rights per *Miranda*, officers must first obtain a waiver of those rights before statements are made.

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1. After the *Miranda* advisement and in order to secure a waiver, the following questions will be asked and an appropriate reply secured to each question:
   (a) Do you understand each of these rights as I have explained them to you?
   (b) Do you wish to exercise any of these rights at this time?
   (c) Are you willing to speak with me/us at this time?
2. A valid *Miranda* waiver must be:
   (a) Voluntary - a product of free and deliberate choice rather than intimidation, coercion, or deception.
   (b) Knowing and intelligent - made with full awareness, both of the nature of the right being waived and the consequences of the decision to waive it.
3. An individual who has been advised per *Miranda* may waive his/her rights either verbally or in writing using Pueblo Police Department form #PPD-110.

(g) Upon conclusion of the interview, the individual who was interviewed should either be released or transported to a detention facility.

311.3.3 INTERROGATION PROCEDURE

Interrogations are interviews directed at suspects of a crime to gather information by means that are reasonably likely to elicit incriminating responses. Interrogations may be conducted either as custodial where *Miranda* applies, or they can be non-custodial where the individual being interrogated can stop the process and leave if he/she wishes. Interrogations can be a continuation of an interview which turns from a fact-finding process into an interrogation based on the responses of the individual being interviewed and the basis of the interview.

Non-custodial interrogations shall be conducted as follows:

(a) The interrogation should be recorded using the interview rooms located at the Pueblo Municipal Justice Center if possible.

(b) If the interrogation is to be conducted at the Pueblo Municipal Justice Center, the individual to be interrogated can transport himself/herself in his/her personal vehicle or otherwise secure his/her own transportation.

(c) Individuals to be interrogated can be transported to and from the Pueblo Municipal Justice Center by officers.

(d) Prior to conducting the interrogation, the officer shall ask the individual to be interrogated if he/she has any weapons on his/her person. If warranted, the officer shall conduct a pat down search. This will ensure the safety of the individual being interrogated and the safety of the officers involved.

(e) It should be made clear to the individual being interrogated that he/she is not under arrest, and he/she can stop the interrogation and leave at any time.

(f) The individual who was interrogated can either leave by whatever means he/she transported himself/herself to the Pueblo Municipal Justice Center, or an officer can transport the individual to a desired location.

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(g) If during the course of an interrogation it becomes apparent to the officer that he/she will be taking the individual being interrogated into custody, questioning must cease and the individual must be advised of his/her rights per Miranda subject to the procedures governing custodial interrogations set forth in this policy.

(h) Non-custodial interrogations of juveniles may be conducted according to the procedures set forth in this policy as well as in the Temporary Custody of Juveniles Policy.

Custodial interrogations shall be conducted as follows:

(a) The interrogation should be recorded using the interview rooms located at the Pueblo Municipal Justice Center if possible.

(b) If the individual to be interrogated has been taken into custody at a location outside of the Pueblo Municipal Justice Center, and the interrogation is to be conducted at the Pueblo Municipal Justice Center, the individual to be interrogated shall be transported to the Pueblo Municipal Justice Center by an officer in accordance with the transportation procedures set forth in the Handcuffing and Restraints Policy.

(c) Prior to conducting the interrogation, the officer conducting the interrogation shall ensure that a custody search is completed on the individual to be interrogated in accordance with the procedures set forth in the Custodial Searches Policy.

(d) Although it is not a requirement, it is preferable to have two officers completing an interview with the primary officer conducting the interview and the secondary officer listening and taking notes for follow-up questions. Additionally, two officers conducting the interview increases the safety of the officers in the event the individual being interviewed acts out in aggression.

(e) Prior to the interrogation, a *Miranda* advisement, approved by the Pueblo County District Attorney's Office, must be given to the individual to be interrogated.

1. The *Miranda* advisement may be completed either verbally or in writing using Pueblo Police Department form #PPD-110.
2. The circumstances surrounding the advisement, including any statements made by the individual in response to the advisement, should be documented within the incident report.
3. If the individual is a juvenile, both the juvenile and his/her parent or legal guardian must be advised.
    (a) Both the juvenile and his/her parent or legal guardian must waive the juvenile's *Miranda* rights in order for the interrogation to proceed.
    (b) The parent or legal guardian must be physically present during the interrogation unless the parent has waived his or her right to be present in writing (CRS § 19-2-511).

(f) Prior to the interrogation of an individual who has been advised of his/her rights per *Miranda*, officers must first obtain a waiver of those rights before statements are made.

1. After the *Miranda* advisement and in order to secure a waiver, the following questions will be asked and an appropriate reply secured to each question:

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(a) Do you understand each of these rights as I have explained them to you?

(b) Do you wish to exercise any of these rights at this time?

(c) Are you willing to speak with me/us at this time?

2. A valid *Miranda* waiver must be:

(a) Voluntary - a product of free and deliberate choice rather than intimidation, coercion, or deception.

(b) Knowing and intelligent - made with full awareness, both of the nature of the right being waived and the consequences of the decision to waive it.

3. An individual who has been advised per *Miranda* may waive his/her rights either verbally or in writing using Pueblo Police Department form #PPD-110.

(g) Upon conclusion of the interrogation, the individual who was interrogated should either be released or transported to a detention facility.

311.3.4 FIELD INTERVIEW PROCEDURE

Officers may stop individuals for the purpose of conducting a field interview 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. Refer to the Contacts and Temporary Detentions Policy for procedures on conducting field interviews.

311.3.5 WHEN MIRANDA ADVISEMENTS ARE NOT REQUIRED

If a situation does not include custody, a *Miranda* advisement need not be given for either an adult or juvenile.

The Colorado Supreme Court has ruled that "custody" is determined by the totality of the circumstances and that the courts should consider the following factors:

- Time
- Place
- Purpose of encounter
- The words spoken by the officer to the individual
- The officer’s tone of voice and general demeanor
- The length and mood of the interview or interrogation
- Whether any limitation of movement or other form of restraint was placed on the individual
- The officer’s response to any questions asked by the individual
- Whether directions were given to the individual during the interview or interrogation, and the individual’s verbal or nonverbal response to such directions.

Interviews and interrogations at the Pueblo Municipal Justice Center are not automatically "custodial." All appearances of restricting freedom of movement of an individual who voluntarily

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comes to the Pueblo Municipal Justice Center to talk should be avoided. It is important that an individual be informed that he/she is not under arrest and is free to leave at any time. If an individual confesses, a warrant can be obtained and an arrest made later. This should not be done if the individual might flee or destroy evidence, in which case the individual would be advised per *Miranda* prior to the interview or interrogation.

The courts have ruled that routine traffic stops do not require *Miranda* advisement.

311.3.6 ACCESS TO COUNSEL

(a) Any attorney in this state shall be permitted to see and consult with a person in custody, alone and in private (CRS § 16-3-404):

1. Upon the demand of the person in custody.
2. Upon demand of a friend, relative, spouse or attorney of the person in custody, if the person expressly consents to see or to consult with the attorney.

(b) A person in custody shall be allowed to consult with an attorney as many times and for as long as reasonable.

(c) Any attorney and the person in custody shall be searched for weapons prior to being admitted into the private room or area where the consultation will take place.

(d) Attorneys must produce a current identification card or license from a recognized state regulatory or licensing agency, as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded.

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Search and Seizure

312.1 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 Pueblo Police Department personnel to consider when dealing with search and seizure issues. This policy is for internal use only and is not intended to create any duty to third-parties on behalf of the Department or form the basis for any civil or criminal liability. It is intended that violations of this policy may only form the basis for administrative actions by the Department.

312.2 POLICY

It is the policy of the Pueblo Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department 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.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order 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

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 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 member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

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Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

312.4 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) Members of this department 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, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 SEARCH INCIDENT TO ARREST

When an individual is placed under custodial arrest by an officer, incident to that arrest a search will be performed of the arrestee's person, of any items in the arrestee's immediate possession at the time of the arrest and, if appropriate of the area immediately around the arrestee at the time they were arrested. The search of the area around the arrestee will be performed immediately after formal arrest while the arrestee is still present and should not extend beyond the area within the arrestee's immediate control at the time of the arrest.

When a custodial arrest is made of the occupant of a vehicle, an officer should conduct a search of the vehicle's passenger compartment or its functional equivalent incident to that arrest, while the arrestee is still present. This search may include any closed containers found within the passenger compartment or its functional equivalent.

312.6 SEARCH WARRANTS

Officers will execute search warrants within the City of Pueblo when criminal process for that purpose has been issued by a competent court authority commanding such warrants to be executed. When an officer serves a search warrant, the following procedures shall be followed:

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(a) Ensure the warrant is valid, or act in good faith when a fellow officer presents a search warrant;

(b) Identify and abide by any special provisions contained in the search warrant governing how the warrant shall be executed;

(c) Ensure that a supervisor is notified prior to the execution of any search warrant at a dwelling;

(d) Ensure that a copy of the search warrant is left at the premises searched or with the person from whom evidence was seized;

(e) Ensure that a search warrant return (inventory) is completed without unnecessary delay following the execution of the warrant;

(f) Comply with any service requirements on the search warrant. Federal warrants generally have specific hours within which the warrant may be executed. State warrants may also have service restrictions included; and

(g) Ensure that any property seized during the search warrant is handled according to the provisions set forth in the Physical Evidence Policy and the Property and Evidence Policy.

An officer shall not execute a search warrant outside of the jurisdictional limits of the Pueblo Police Department unless he/she has obtained his/her supervisor's approval. Subject to the following exceptions, an officer shall not execute a search warrant outside the jurisdictional limits of the City of Pueblo without the presence and assistance of a sworn officer of the agency of primary jurisdiction who has authority to execute search warrants:

(a) If the search warrant is for the search of a person or for the search of a motor vehicle, aircraft or other object which is mobile or capable of being transported, an officer may pursue such person or property for the purpose of executing the search warrant when such person or property is crossing or being transported from the City of Pueblo into another jurisdiction; and

(b) If the search warrant is for the search of a person or for the search of a motor vehicle, aircraft or other object which is mobile or capable of being transported and if the search warrant specifically authorizes an officer to execute the warrant anywhere in the State of Colorado, said officer may execute the warrant outside the jurisdictional limits of the City of Pueblo and anywhere in the State of Colorado.

Nothing in this section shall substitute or override the provisions for obtaining and executing search warrants as set forth in state and federal law.

312.7 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)

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- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and Department policy have been met.

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Temporary Custody of Juveniles

313.1 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 Pueblo Police Department (34 USC § 11133).

313.1.1 DEFINITIONS

Definitions related to this policy include:

Diversion – Any procedure that (1) substitutes non-entry for official entry into the justice process, (2) substitutes the suspension of criminal or juvenile proceedings for the continuation of those proceedings, (3) substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision, or (4) substitutes any kind of non-confinement for confinement.

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 under the influence or incapacitated by substances 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.

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).

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 constant direct visual monitoring 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 detention cell.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the temporary detention facility.

(b) A juvenile placed in a cell within the temporary detention facility, whether or not the cell door is locked.

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

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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, and truancy. **A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.**

313.2 POLICY

The Pueblo Police Department 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 Pueblo Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

The Pueblo Police Department will ensure that juveniles are treated uniquely, due to the inherent nature of the situation. All department components and personnel share responsibility for participating in and supporting the Pueblo Police Department's juvenile operations, and so are responsible for following the procedures set forth in this policy and other policies within the Policy Manual to ensure the safe, protective and effective handling of any contact involving a juvenile. To this end, the Pueblo Police Department will:

- Ensure that arrest procedures for juvenile offenders will provide youth a better chance at rehabilitation and reduce their chance of having a criminal record, and
- Participate in and support programs designed to prevent and control juvenile delinquency to the extent possible (while the Pueblo Police Department does not normally develop specific programs, specific programs developed by external sources may be implemented when appropriate).

Officers shall maintain a working knowledge of Colorado State Statutes pertaining to juveniles and be continually alert to the health and welfare of those youth they encounter while performing their duties.

All employees shall observe and comply with every juvenile's clearly established rights under the United States and Colorado Constitutions. Refer to the procedures set forth in this policy as well as in the Interviews and Interrogations – Constitutional Rights Policy and other policies within the Policy Manual for specific procedures for observing and complying with juveniles' constitutional rights.

313.3 LEAST COERCIVE AMONG REASONABLE ALTERNATIVES

Personnel dealing with juvenile offenders shall use the least coercive among reasonable legal alternatives, consistent with preserving public safety, order, and individual liberty. The following options should be considered when dealing with juvenile offenders:

(a) Outright release with no further action – This alternative includes verbal warnings, documentation of incidents via Computer Aided Dispatch (CAD) system entries and/ or "Information" reports, and otherwise leaving any corrective action to the parents, guardians or legal custodians of the juvenile(s) involved.

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(b) Issuance of a citation/summons – Refer to the Citation/Summons and Release Policy and the Traffic Function and Responsibility Policy for procedures for issuing citations/ summonses to juveniles.

(c) Referral to another agency or service for potential diversion alternatives – Where appropriate, and when resources are available, officers should consider referring juveniles to other agencies or services as an alternative to formal entry into the justice process. When making diversion decisions, officers should take into consideration such factors as the nature of the offense, the age and circumstances of the offender, the offender's record, the availability of community-based rehabilitation programs, and recommendation for diversion form complainants or victims.

(d) Referral to juvenile court – In many cases, the most appropriate course of action is to refer juveniles to juvenile court. An officer who wishes to refer a juvenile to juvenile court should refer charges to the Pueblo County District Attorney's Office for review and/or charging in the appropriate court.

313.4 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Pueblo Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).

1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

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 Pueblo Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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313.5 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Pueblo Police Department when there is no other lawful and practicable alternative to temporary custody.

No juvenile should be held in temporary custody at the Pueblo Police Department 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 Pueblo Police Department (34 USC § 11133).

An officer taking a juvenile into custody shall do the following:

(a) Determine whether the juvenile is alleged to have engaged in criminal or noncriminal (status offense) behavior, or is a juvenile non-offender. The officer taking the juvenile into custody shall make such determination through his/her normal investigative responsibilities.

(b) Determine whether the juvenile is alleged to have been harmed or to be in danger of harm. Refer to the Child Abuse Policy for additional information regarding conducting a child abuse investigation and detaining a juvenile who is suspected of being a victim.

(c) Ensure that the constitutional rights of the juvenile are protected, including those rights concerning self-incrimination, counsel, search and seizure and due process. Refer to the procedures set forth in this policy, as well as in the Interviews and Interrogations – Constitutional Rights Policy and other policies within the Policy Manual, for specific procedures for observing and complying with juveniles' constitutional rights.

(d) Bring the juvenile to the intake facility or the Pueblo Police Department without delay, unless the juvenile is in need of immediate medical treatment.

(e) Take reasonable measures to notify the juvenile's parent, guardian or legal custodian without delay, in conformance with the provisions set forth in this policy.

313.5.1 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 Pueblo Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. **Juvenile non-offenders may not be held in secure custody** (34 USC § 11133).

313.5.2 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 the station to await a parent). **Juvenile status offenders may not be held in secure custody** (34 USC § 11133).

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313.5.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Pueblo Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

313.5.4 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 poses a substantial risk of serious harm to others.

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 shelter designated by the court, or a preadjudication service program 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)).
- Promptly provide to the court and to defense counsel the affidavit supporting probable cause for the arrest and a copy of the arrest report if available (CRS § 19-2-508).

313.6 PARENTAL NOTIFICATION

Officers must provide notification to parents, guardians or legal custodians of juveniles as follows:

(a) If an officer takes a juvenile into temporary custody, he/she shall take reasonable measures to notify the juvenile’s parent, guardian or legal custodian without delay.

(b) Upon a juvenile being screened into a detention facility by the judicial district screening team, the arresting officer shall notify the juvenile's parent, guardian or legal custodian. The notification may be made to a person with whom the juvenile is residing if a parent, guardian or legal custodian cannot be located. The arresting officer shall then complete a Report Concerning Custody & Detention of a Child Pursuant to CRS 1973, 19-2-102 (4) form and place such in the Special Victims Section mailbox (CRS § 19-2-507).

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Parental notification should be documented via the appropriate department reporting system component (e.g., incident report, supplemental report, Computer Aided Dispatch (CAD) System entry, etc.).

313.6.1 REPORTING

The Records Manager shall ensure incidents that result in a citation, summons, arrest or custody of a juvenile that occurs on public school grounds or vehicles, or at school activities or events are reported to the Division of Criminal Justice (DCJ) as required by CRS § 22-32-146. The reports shall be in the format provided by DCJ and include:

(a) The juvenile's full name, date of birth, race, ethnicity and gender.

(b) The name of the school where the incident occurred or the name of the school that either operated the vehicle or held the activity or event.

(c) The date the juvenile was arrested, taken into custody or issued a summons or ticket.

(d) The arrest or incident report number assigned by the Pueblo Police Department.

(e) The most serious offense for which the juvenile was arrested, issued a summons or ticket, based on the National Crime Information Center (NCIC) crime code.

(f) The type of weapon involved, if any, for offenses classified under the NCIC incident-based reporting system as group A offenses.

(g) The originating reporting identifier of the Pueblo Police Department.

313.7 JUVENILE CUSTODY LOGS

Any time a juvenile is placed in the temporary detention facility, a written record will be maintained in the Juvenile Detention Cell Log Book located in the temporary detention facility. This log will include, at a minimum, the charges for which the juvenile is being detained, the time the detention began and the time it ended. Refer to the Temporary Custody and Confinement Policy for further direction on required documentation.

313.8 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Pueblo Police Department (34 USC § 11133).

In situations where brief or accidental contact may occur, a member of the Pueblo Police Department 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.

313.9 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 Pueblo Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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Other restraints shall only be used after less restrictive measures have failed and with the approval of a supervisor. 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.

Officers are prohibited from restraining juveniles by securing them to fixed objects.

313.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

313.10 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Watch Commander approval is required before placing a juvenile offender in secure custody (CRS § 19-2-508).

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.

313.10.1 LOCKED ENCLOSURES

Officers who place juveniles in the temporary detention facility shall follow the procedures contained in the Temporary Custody and Confinement Policy.

313.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

When interviewing or interrogating juveniles, officers shall ensure the following:

(a) 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.

(b) The number of officers engaged in the interview or interrogation will be limited to two, and its duration should be reasonable (i.e., two hours or less). Any deviations of this provision must be approved by a supervisor.

(c) The officer(s) conducting the interview or interrogation shall document the beginning and ending times of the session, as well as any unusual circumstances that may have contributed to an extended session.

(d) The officer(s) conducting the interview or interrogation should have a basic understanding of the juvenile’s intelligence/mental capacity.

(e) The officer(s) conducting the interview or interrogation should be fully aware of the juvenile’s physical condition and mental state, and proceed accordingly.

(f) At no time will an officer threaten, either through words or actions, a juvenile being interviewed or interrogated.

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(g) As with adults, juveniles are allowed restroom breaks and reasonable access to food and drink.

Refer to the Interviews and Interrogations – Constitutional Requirements Policy for procedures for ensuring the protection of juveniles' constitutional rights during interviews and interrogations.

313.12 RESTRICTION ON FINGERPRINTING

The following juvenile offenders may be fingerprinted (CRS § 19-2-503.5):

(a) A juvenile offender held for committing any of the following:

1. A felony
2. A Class 1 misdemeanor
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

313.13 VISITATION

Juveniles who are in temporary custody in the facility will be allowed initial visits at any time by the parents, guardians and/or attorneys. Subsequent visits shall be as unrestrictive as reasonably practicable.

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Adult Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Pueblo Police Department members as required by law.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

314.2 POLICY

The Pueblo Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.3 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, his/her guardian, or the agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, or agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

314.4 INTERVIEWS

314.4.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim 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.

314.4.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

314.5 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the county department of human or social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control or have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

314.6 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult 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 adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

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(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Whether a death involved the Colorado End-of-Life Options Act (CRS § 25-48-119):

1. Whether an individual knowingly or intentionally forged or altered a request for medical aid-in-dying medication to end an individual's life without the individual's authorization.
2. Whether an individual knowingly or intentionally concealed or destroyed a rescission of a request for medical aid-in-dying medication.
3. Whether an individual knowingly or intentionally coerced or exerted undue influence on a person with a terminal illness to request medical aid-in-dying medication or to destroy a rescission of a request for such medication.

An ombudsman should be called to the scene if the abuse occurred in a long-term care facility (CRS § 26-11.5-101 et seq.).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

314.7 MANDATORY NOTIFICATION

Members of the Pueblo Police Department shall notify the county department of human or social services when the member (CRS § 26-3.1-102):

(a) Observes the mistreatment or self-neglect of an at-risk adult.

(b) Has reasonable cause to believe that an at-risk adult has been mistreated or is self-neglecting.

(c) Has reasonable cause to believe that an at-risk adult is in imminent risk of mistreatment or self-neglect.

Cross reporting to social services is mandatory for at-risk adults who have an intellectual and developmental disability or are seventy years of age or older (CRS § 18-6.5-102; CRS § 18-6.5-108).

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For purposes of notification, mistreatment includes abuse, neglect, exploitation, or any act by a person with a relationship to the at-risk adult even when it does not rise to the level of abuse, caretaker neglect, or exploitation but causes harm to the health, safety, or welfare of an at-risk adult (CRS § 26-3.1-101).

Notification is not required for someone who was merely present when a qualified person self-administered a prescribed medical aid-in-dying medication (CRS § 25-48-116).

314.7.1 NOTIFICATION PROCEDURE

Notification should occur as follows (CRS § 26-3.1-102; CRS § 18-6.5-108):

(a) Notification should occur as soon as practicable.

(b) Written report should be forwarded within 24 hours.

(c) The report should contain the following, if known:

1. The name, address, and age of the adult victim.
2. The name and address of the adult's caretaker, if any.
3. The nature and extent of any injuries.
4. The nature and extent of the condition that may reasonably result in abuse.

314.8 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (CRS § 26-3.1-103).

314.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Special Victims Section Sergeant should:

(a) Work with professionals from the appropriate agencies, including the county department of human or social services, other law enforcement agencies, medical

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service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Special Victims Section Sergeant that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate.

(b) Notify the Special Victims Section Sergeant so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

314.10.1 SPECIAL VICTIMS SECTION RESPONSIBILITIES

The Special Victims Section is responsible for (CRS § 26-3.1-102; CRS § 18-6.5-108):

(a) Providing a copy of the adult abuse report to social services as required by law.

(b) Retaining the original adult abuse report with the initial case file.

314.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 26-3.1-102).

314.11 TRAINING

The Department shall provide training on best practices in adult abuse investigations to members tasked with investigating these cases (CRS § 24-31-313; CRS § 26-3.1-106). The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

315.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Pueblo Police Department 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 Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department 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 Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

315.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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 employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.4 RESPONSIBILITIES

This policy applies to all department members. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's 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 Director of Human Resources, or the Mayor.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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.

315.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

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(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members 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) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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 members, or issuing discipline in a manner that is consistent with established procedures.

315.4.3 RESPONSIBILITIES UPON RECEIPT OF COMPLAINT

Upon receipt or notification of a complaint filed with the Colorado Civil Rights Division, the Chief of Police or the 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.

315.4.4 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Resources, or the Mayor for further information, direction, or clarification.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

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315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's 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.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an 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. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members 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 Director of Human Resources, or the Mayor.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police or the authorized designee, the Mayor, or the Director of Human Resources, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

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315.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members 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.

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Child Abuse

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Pueblo Police Department members are required to notify the county department of human or social services of suspected child abuse.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 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 agency or law enforcement (CRS § 19-3-304; CRS § 19-1-103).

316.2 POLICY

The Pueblo Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county department of human or social services is notified as required by law.

316.3 MANDATORY NOTIFICATION

Members of the Pueblo Police Department shall notify the county department of human or social services when (CRS § 19-1-103; 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.

(d) They have probable cause to believe a child is a victim of human trafficking of a minor for sexual servitude (CRS § 18-3-504; CRS § 18-7-201.4).

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including but not limited to suspicious injuries such as bruising, bleeding, or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing, or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial 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 (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

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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).

316.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (CRS § 19-3-308):

(a) Notifications shall be made immediately to the county department of human or social services.

(b) A written summary of the investigation or case report shall be forwarded without delay to the county department of human or social services upon completion of any investigation undertaken.

(c) Notification, when possible, shall include (CRS § 19-3-307):

1. The name, address, age, sex, and race of the child.
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.
8. The military affiliation of the person suspected of committing the abuse or neglect if the person is a member of the armed forces or is a spouse, significant other, or family member residing in the home of a member of the U.S. armed forces.

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).

316.4 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 to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will 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.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Unless unavailable, the county department of human or social services shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308).

This agency 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).

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).

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).

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316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department 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. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the county department of human or social services.

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, officers 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 order has been issued authorizing the removal of a child.

(b) Without a court order when the child is 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.

    1. 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.

(c) Without a court order when an arrest warrant has been issued for the child's parent or guardian on the basis of an alleged violation of CRS § 18-3-304.

(d) 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 the county department of human or social services, 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.

316.6.1 COURT ORDERS

Unless already being addressed by the county department of human or social services, 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):

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(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.

(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.

316.6.2 RELATED NOTIFICATIONS

If the county department of human or social services is unable to take custody of a child, officers taking a child into protective custody shall (CRS § 19-3-402):

(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.

(c) Promptly file a brief written report with the court and any agency 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.

316.6.3 SAFE HAVEN ACT PROVISIONS

A parent is not guilty of child abuse as defined in CRS § 18-6-401 if the parent surrenders his/her newborn infant (72 hours old or younger) to an on-duty firefighter or staff member at a hospital or community clinic emergency center under the safe haven provisions of CRS § 19-3-304.5. A supervisor and the county department of human or social services should be notified without delay.

316.7 INTERVIEWS

316.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim 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, child victims should not be interviewed in the home or location where the alleged abuse occurred.

316.7.2 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:

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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.

316.8 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 agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

316.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

316.9.1 SUPERVISOR RESPONSIBILITIES

The Special Victims Section Sergeant should:

(a) Work with professionals from the appropriate agencies, including the county department of human or social services, 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 Special Victims Section Sergeant 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.

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316.9.2 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 Special Victims Section Sergeant so an interagency response can begin.

316.10 STATE MANDATES AND OTHER RELEVANT LAWS
Colorado requires or permits the following:

316.10.1 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 Maintenance and Release Policy (CRS § 19-1-307; CRS § 24-72-304).

316.10.2 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)).

316.10.3 SERVICE OF PROTECTION ORDER
Officers responding to a call for assistance who determine that a civil protection order has been issued and that the restrained person has not been personally served, shall ensure that the restrained person is served with a copy of the order (CRS § 19-1-104). To accomplish such service, the officer shall summon the Pueblo County Sheriff's Office to respond and a deputy will serve the restrained person with a copy of the order.

316.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. 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

317.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Abandonment - The situation when a child is told or forced to leave home overnight, or is prevented from returning home overnight by a parent or household adult when no adequate alternative care is arranged, or a child's caretaker makes no effort to recover a child who has run away, or who has been deserted.

At risk - Includes persons who have dementia or related disability (as defined in CRS § 25-1-502), who have a verified 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:

  (a) Out of the zone of safety for his/her chronological age and developmental stage.

  (b) Mentally or behaviorally disabled.

  (c) Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.

  (d) Absent from home for more than 24 hours before being reported to law enforcement as missing.

  (e) In a life-threatening situation.

  (f) In the company of others who could endanger his/her welfare.

  (g) 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.

  (h) Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

(c) Are children under the legal custody of the Colorado Department of Human Services or a county department of human or social services (CRS § 19-1-115.3).

DNA - Deoxyribonucleic acid.

Emergency Preparedness Notification System (EPN) - System used to communicate urgent information or instructions to citizens in a specific geographic area.

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Missing adult - A person who is 18 years of age or older, and whose absence is contrary to his or her normal pattern of behavior and may be due to one or more unusual circumstances. An adult who leaves on his/her own free will without any risk factors is not a missing adult.

Missing child - A person 17 years of age or younger, and whose whereabouts are unknown to his or her parents, guardian, or responsible party.

The following terms apply to missing children:

Non-family Abduction - A child is taken by an unknown individual, through force or persuasion, usually in furtherance of additional victimization.

Family Abduction - A non-custodial family member flees with the child, usually in direct violation of a court ordered custody arrangement.

Lost, Injured, or Otherwise Missing Involuntarily - A child who becomes separated from his/her parents or caretakers under circumstances not indicating the likelihood of abduction or voluntary absence, or, whose whereabouts are unknown to the parent, guardian, legal custodian or designated caretaker.

Abandoned - A child whose parent, guardian, legal custodian or designated caretaker makes no effort to recover the child who has run away, or who has been abandoned, deserted, or encouraged to leave home. Though not necessarily reported as missing, children in this category frequently come to the attention of law enforcement and other authorities.

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 (CBI).

Runaway child - A minor child who has voluntarily left, or voluntarily failed to return to their home environment, without the consent of their parent, guardian or legal custodian, and without the intention to return.

Unidentified person - An unidentified deceased person or a living person who cannot assist in identifying him/herself.

317.2 POLICY

It is the policy of the Pueblo Police Department to thoroughly investigate all reports of missing or unidentified persons and pursue those cases to conclusion. Additionally, every person considered at risk or abducted shall require an expanded investigation and prompt deployment of all available department resources.

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The Pueblo Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Pueblo Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

317.3 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

317.4 COMMUNICATIONS CENTER RESPONSIBILITIES

Communications Center personnel receiving the report of a missing person shall:

(a) Make a preliminary assessment of the level of risk to the missing person. This assessment shall enable the call taker to promptly activate additional response protocols.

(b) Dispatch/assign an officer to the call for service.

(c) Notify a supervisor of all missing children under 11 years of age, and of any missing person cases that involve unusual circumstances.

(d) Transmit the appropriate radio alerts, information and other notifications, including notifications to surrounding or selected law enforcement agencies upon request of an officer.

(e) Search computer databases for related information upon request of the officer(s) assigned to the call. Notes on prior calls involving the missing person or address can be valuable to responding officers.

(f) Initiate notifications in accordance with the Major Incident Notification Policy and Communications Center procedures.

(g) Complete entries into the appropriate missing person networks. Missing person network entries shall be made as follows:

    1. Immediately, when the person is at risk.

    2. In all other cases, as soon as practicable, but not later than two hours from the time of receipt of information from the officer.

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317.5 INITIAL INVESTIGATION

First responding officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as appropriate:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately a child is missing, or if there is evidence that a missing person is either at risk or may qualify for a public alert (see the Public Alerts Policy).

(d) Obtain an initial description of the missing person. The initial description should include the missing person's name, physical description, clothing description, last known location and/or direction of travel, any known circumstances surrounding the missing person's disappearance, etc. The information gathered while obtaining the initial description should be used for making immediate inter- and intra-agency notifications. Collect and/or review:

  (a) A photograph and fingerprint card of the missing person, if available.

  (b) A voluntarily provided biological sample of the missing person, if available (e.g.,toothbrush, hairbrush).

  (c) Any documents that may assist in the investigation, such as court orders regarding custody.

  (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(e) Broadcast a "Be on the Look-Out" (BOLO) bulletin which includes a physical description of the missing person and any other relevant information (e.g., last known location, vehicle information, mental state, etc.). The BOLO should be broadcast as soon as practicable but in no event more than one hour after receiving the report from the reporting party.

(f) Provide the Communications Center with the information necessary for entering the missing person into the appropriate missing person networks. The information shall be provided to the Communications Center via the missing person templates located on the Pueblo Police Department Intranet site. Although additional information can be included in missing person network entries, the following minimum information is required:

  1. Missing person category (determined by the use of the appropriate template)
  2. Last contact date with the missing person
  3. Agency case number
  4. Missing person type (i.e., AMBER alert, child abduction, disaster victim, missing person)
  5. Missing person's name
  6. Missing person's sex

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7. Missing person's race (i.e., American Indian or Alaskan Native, Asian or Pacific Islander, Black, White, unknown)
8. Missing person's date of birth
9. Missing person's date of emancipation (only required for missing children who are emancipated)
10. Missing person's height
11. Missing person's weight
12. Missing person's eye color
13. Time missing person was last seen
14. Activity at time of disappearance
15. Circumstances of disappearance (i.e., no unusual circumstances, lost, kidnapping, non-custodial kidnapping, suspicious circumstances).

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (CRS § 18-9-312).

1. If the officer has probable cause to believe the missing person is at risk of death or serious bodily injury, a supervisor should be notified and should determine whether to order the telecommunication provider to disclose the missing person's location information without a court order.
2. The supervisor shall ensure that a court order is obtained within 48 hours of the initial request for the location information.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

317.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

(b) Ensuring resources are deployed as appropriate.

(c) Ensuring applicable notifications and public alerts are made and documented.

(d) Initiating a response/call-out by the Criminal Investigation Division upon consultation with the Watch Commander, when appropriate.

(e) Ensuring that information has been entered into the appropriate missing person networks.

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(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

317.7 SPECIAL CONSIDERATIONS

An officer or supervisor investigating a case of a critically missing or at-risk person should consider the following additional options, when appropriate:

(a) Establishment of a command post at an appropriate location, preferably near but not necessarily directly adjacent to, the missing person's residence. The command post should be established in a location that will accommodate a potentially large number of responding persons, vehicles and equipment.

(b) Implementation of the Incident Command System in accordance with the Incident Command System Policy.

(c) Consideration of the need for, and subsequent request of, additional resources (e.g., canine for a search).

(d) Activation of the Emergency Preparedness Notification System (EPN) in accordance with the Communications Operations Policy.

317.8 REPORT PROCEDURES AND ROUTING

An officer shall complete a missing person report and forms promptly, and advise his/her immediate supervisor as soon as the missing person report is ready for review.

317.9 CRIMINAL INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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(d) Shall verify and update CCIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Colorado Bureau of Investigation and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

317.10 WHEN A MISSING PERSON IS LOCATED

When any person reported missing is located, the officer taking the report or assigned detective (whichever is applicable) shall document the location of the missing person in a supplemental report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted. Additionally, the officer taking the report or assigned detective (whichever is applicable) shall ensure that the "Be on the Look-Out" (BOLO) bulletin is canceled, and Communications Center personnel shall ensure that the missing person network entries are removed.

Whenever a reported missing person is located within the jurisdiction of the Pueblo Police Department, regardless of the jurisdiction in which the person was originally reported missing, an officer shall respond to the location of the person for the purpose of confirming the person’s located status and ensuring the person’s well-being. If a person who is reported missing from the Pueblo Police Department’s jurisdiction is located in another jurisdiction, the assigned officer/detective shall attempt to confirm the person’s located status via the nearest law enforcement agency. A person’s missing status shall not be canceled based solely on a telephone call.

317.10.1 UNIDENTIFIED PERSONS

An officer or detective investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

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(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

317.11 CASE CLOSURE

A Criminal Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Pueblo or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

317.12 CHILD ABDUCTIONS

It is the policy of the Pueblo Police Department to take immediate action upon notification of a possible child abduction in order to prevent serious injury or death of the child. Immediate action is critical to the victim's survival. To the fullest extent possible, manpower should be designated to the investigation and search for the victim of a non-family abduction, or family abduction, when it is probable that the child is in immediate danger of serious bodily harm or death.

In addition to the procedures set forth in this policy governing responses to missing persons, including critically missing and at risk persons, department members responding to reports of child abductions shall follow the procedures set forth in the subsections below.

317.12.1 COMMUNICATIONS CENTER RESPONSIBILITIES

When a call is received into the Communications Center of an alleged child abduction, the call taker receiving the information shall ensure that the call is flagged as having high priority and will make subsequent notification to the on-duty field supervisor and Watch Commander. The call taker will gather as much information from the reporting party as possible regarding the victim's and suspect's description, and relay such to responding officers.

317.12.2 FIRST RESPONDING OFFICERS' RESPONSIBILITIES

Responding officers should coordinate their response so that at least one officer responds directly to the reporting party's location, when applicable, in order to gather additional pertinent information. Absent indicators of an obvious abduction, a thorough search of the child's home

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should be conducted. When information gathered leads the investigating officer to believe that an abduction occurred that meets the criteria for activation of an AMBER Alert, the officer should notify his/her supervisor and follow the procedures set forth in the Public Alerts Policy.

317.12.3 SUPERVISOR RESPONSIBILITIES

As soon as it has become apparent that a child abduction has occurred, the supervisor should consult the Watch Commander and initiate a Criminal Investigation Division response/call-out.

If it is likely that a non-family abduction has occurred, the supervisor should establish a proper neighborhood canvas. The supervisor shall initiate procedures to accurately document the location of residences and businesses, as well as the identifying information of all persons contacted during canvas operations.

The supervisor should initiate procedures for traffic control checkpoints to contact motor vehicle traffic in the immediate area of the abduction location. The location, time and description of vehicles contacted, as well as the identifying information of the driver and any passenger(s), shall be documented.

The supervisor should evaluate the need for additional resources for the neighborhood canvas and traffic control checkpoints and relay such need to the Watch Commander. The Watch Commander may initiate a call-out for additional officers for this purpose at his/her discretion. In addition, the supervisor should immediately consider staffing needs to document and track ongoing operations. Use of civilian staff such as clerical personnel can be considered for this purpose.

317.12.4 SPECIAL CONSIDERATIONS

The following actions should be considered in instances of child abductions:

(a) Establishment of a command post at an appropriate location, preferably near but not necessarily directly adjacent to, the missing person’s residence. The command post should be established in a location that will accommodate a potentially large number of responding persons, vehicles and equipment.

(b) Implementation of the Incident Command System in accordance with the Incident Command System Policy.

(c) Consideration of the need for, and subsequent request of, additional resources (e.g., canines for searches).

(d) Activation of the Emergency Preparedness Notification System (EPN) in accordance with the Communications Operations Policy.

317.12.5 AMBER ALERTS

Refer to the Pubic Alerts Policy for guidelines for the activation of AMBER Alerts.

317.13 RUNAWAY CHILDREN

Any officer encountering a person who wishes to report a runaway child shall render assistance without delay. Jurisdictional conflicts are to be avoided. If a runaway child resides in or was last seen in the City of Pueblo, the Pueblo Police Department will initiate the required reporting

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process. If a runaway child resides in the City of Pueblo but was last seen in another jurisdiction, and that law enforcement agency chooses not to take a runaway report, this agency will assume reporting and investigative responsibilities.

The acceptance of reports may be accomplished via telephone or in-person. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

An officer taking a report of a runaway child shall utilize accepted investigative techniques and adjust his/her response according to any known or suspected health or safety concerns affecting the child. The officer's response may include any of the procedures set forth in this policy for handling missing person investigations, including procedures for notifications, searches, evidence collection, etc. In all cases, an officer investigating a case of a runaway child shall attempt to locate the child when provided with potential location information by the reporting party.

317.13.1 RUNAWAY REPORT FORMAT

An officer who takes an initial report of a runaway child shall document information concerning a description of the runaway and possible leads. The following information should be obtained from the reporting party and documented in the incident report:

Any known history of the runaway child including delinquency records, school problems, psychiatric and health history, prior runaway history, substance abuse, gang-related activity, and any availability of firearms or other weapons.

Any friends or associates the runaway may be with, any possible locations the runaway may frequent and any vehicle to which the runaway may have access.

Any insight the reporting party may be able to provide concerning the reason the child ran away, including unusual incidents in the runaway's life that might be of concern (e.g., substance abuse, emotional problems, problems at school, etc.).

In cases involving more than one child running away in a single incident (e.g., two siblings leaving home together at the same time), a single report may be used to document the runaway children. In all other cases in which children run away in separate incidents, a separate report shall be created for each runaway child.

317.13.2 BROADCASTS AND MISSING PERSON NETWORKS

An officer who takes an initial report of a runaway child shall broadcast a "Be on the Look-Out" (BOLO) bulletin. The BOLO should include a physical description of the runaway child and any other relevant information. The BOLO should be broadcast as soon as practicable but in no event more than one hour after receiving the report from the reporting party.

An officer who takes an initial report of a runaway child shall provide the Communications Center with the information necessary for entering the child into the appropriate missing person networks. The Communications Center shall ensure that missing person network entries are made as follows:

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(a) Immediately, when the runaway child is at risk.

(b) In all other cases, as soon as practicable, but not later than two hours from the time of receipt of information from the officer.

317.13.3 SUPERVISOR NOTIFICATION

Supervisory notification shall be made when the runaway meets the criteria to be considered “at risk” as defined in this policy. The supervisor may direct that additional actions be taken based on the circumstances of the case, including a possible search for the child. The additional actions to be taken, including the size and scope of any search, will be left to the discretion of the supervisor.

317.13.4 FOLLOW-UP INVESTIGATIONS

Supervisors reviewing runaway reports shall forward the reports to the Special Victims Section. The Special Victims Section shall monitor the status of runaway cases. Runaway cases will be assigned to a detective for follow-up investigation when deemed appropriate by the Special Victims Section Sergeant.

317.13.5 RETURN OF RUNAWAYS

Confirmation is required when a runaway returns home. This shall be accomplished by an officer/ detective responding to the location of the runaway to confirm that the runaway has returned home. The purpose of the face-to-face observation is to ensure the child's well-being and identify any potential safety issues that need to be addressed.

The officer who confirms the return of the runaway shall ensure that the "Be on the Look-Out" (BOLO) bulletin is canceled, and Communications Center personnel shall ensure that the missing person network entries are removed. The officer who confirms the return of the runaway shall also complete of a supplemental report that documents the circumstances of the child’s return.

317.13.6 APPREHENSION OF RUNAWAYS

An officer who takes a runaway child into temporary custody shall secure the release of the child to a parent, guardian or legal custodian without delay. Additionally, the officer shall ensure that the "Be on the Look-Out" (BOLO) bulletin is canceled, and Communications Center personnel shall ensure that the missing person network entries are removed. Refer to the Temporary Custody of Juveniles Policy for guidance on taking custody of juveniles.

317.14 ABANDONED CHILDREN

To the extent that abandoned children are missing, the procedures set forth in this policy shall be followed in order to locate those children. Officers shall otherwise investigate incidents of child abandonment in accordance with the Child Abuse Policy.

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Public Alerts

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

318.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups 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. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

318.3 RESPONSIBILITIES

318.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Pueblo Police Department should notify their supervisor, Watch Commander or Criminal Investigation Division Captain as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

318.3.2 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 promptly notify the Chief of Police, the appropriate Bureau Chief and the Highest Ranking Officer On Scene when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

If the Services Bureau takes over the investigation, the applicable supervisor shall take over responsibility for these duties.

318.4 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).

318.4.1 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 Department determines the child has been abducted.

(c) There is a credible threat to the safety and health of the child.

(d) The Department 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.

318.4.2 PROCEDURE

In the event of a confirmed child abduction, the following procedures shall be followed:

(a) The Highest Ranking Officer On Scene, Watch Commander or Criminal Investigation Division Captain (or his/her designee) will prepare an initial press release that includes 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, 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 the Highest Ranking Officer On Scene or other 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.

(b) The Highest Ranking Officer On Scene, Watch Commander or Criminal Investigation Division Captain (or his/her designee) 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.

(c) Fax the press release to the local television and radio stations.

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(d) 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. Department Internet sites, communications and resources

(e) As additional information pertinent to the case becomes available, it shall be forwarded to the Colorado Bureau of Investigation.

(f) The investigation section supervisor investigating the abduction or other individual responsible for making notifications shall prepare and forward to the previously described locations additional information regarding the search and investigation.

(g) Upon closure of the child abduction, because the child has been found, or the end of the notification period, the investigation section supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (CRS § 24-33.5-415.7(4)).

(h) After 24 hours the investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall assess the need to continue the AMBER Alert.

318.5 BLUE ALERTS

Blue Alerts are for those instances where a person has killed or inflicted a life-threatening injury upon a peace officer. 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).

318.5.1 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).

318.5.2 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.

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318.6 SENIOR CITIZEN/PERSON WITH DEVELOPMENTAL DISABILITIES/DEMENTIA ALERT

To aid in the identification and location of missing senior citizens and missing persons with developmental disabilities or dementia disease, the Colorado Legislature created the Missing Senior Citizen, Missing Person with Developmental Disabilities, and Missing Person with Dementia and Related Disability 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.

318.6.1 CRITERIA

These alerts apply to the following missing persons (CRS § 24-33.5-415.8):

(a) "Missing person with a dementia disease or related disability" means 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 dementia disease or related disability, as defined by CRS § 25-1-502.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

(b) "Missing person with developmental disabilities" means 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 agency.

(c) "Missing senior citizen" means 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 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 agency.

Confirmation, in the form of a signed statement from the family member, close friend, caregiver, doctor, or medical facility that the missing person is a senior citizen with an impaired mental condition, a person with developmental disabilities, or a person with dementia or related disability, is required to meet the criteria for the alert (CRS § 24-33.5-415.8; 8 CCR 1507-26).

318.6.2 PROCEDURE

A supervisor, acting upon confirmation that the criteria for a Missing Senior Citizen/Missing Person with Developmental Disabilities/Missing Person with Dementia and Related Disability Alert have

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been met, may notify the Colorado Bureau of Investigation and request a broadcast. Supervisors should ensure that all criteria for the alert are met prior to the request (8 CCR 1507-26).

318.7 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).

318.7.1 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.

318.7.2 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

319.1 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.

319.2 POLICY

The Pueblo Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Pueblo Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

319.3 CRIME VICTIM LIAISON

The ACOVA (A Community Organization for Victim Assistance) Assistant Coordinator will serve as the Department's crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Pueblo Police Department regarding benefits from crime victim resources. This person will be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses, and will consult with the Victim Assistance Coordinator, Victim Compensation Coordinator, other agencies and community resources to ensure the best delivery of services to victims/witnesses.

319.3.1 SPECIFIC CRIME VICTIM LIAISON DUTIES

The crime victim liaison should:

(a) Ensure that the Department 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) Be the liaison between the Department and ACOVA.

(e) Forward copies of crime reports requested by personnel at the local victim centers. The Records Maintenance and Release Policy in this manual regarding the release of reports shall be followed in all cases.

(f) Provide the victim with the contact information for the assigned investigator and district attorney, cold case information, and any other required information (CRS § 24-4.1-303).

319.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

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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 department material or available victim resources.

319.4.1 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, members of this department should make reasonable efforts to minimize contact between the victim and the victim's immediate family and the defendant and the relatives of the defendant before, during and immediately after a judicial proceeding (CRS § 24-4.1-303(5)).

319.5 VICTIM INFORMATION

The crime victim liaison 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, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; CRS § 18-3-407.5).

(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) 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.

(g) Notice regarding U-Visa and T-Visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name and case number.

(j) Information regarding available compensation for qualifying victims of crime (CRS § 24-4.1-101 et seq.).

(k) How to file a claim in their judicial district through the Victim Compensation Administrator or online through the Colorado Department of Public Safety Victim Compensation Program.

(l) Information required pursuant to the Victim Rights Act (CRS § 24-4.1-301 et seq.).

(m) Information related to the Colorado Organization for Victim Assistance (COVA), http://www.coloradocrimevictims.org/.

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(n) Information regarding the ability of a victim of domestic violence, unlawful sexual behavior or stalking to terminate a landlord-tenant agreement pursuant to CRS § 38-12-402.

(o) An advisement that the victim may apply to have a substitute address designated for public records and confidential mail forwarding (CRS § 24-30-2102).

319.6 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.

319.6.1 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).

319.7 WITNESS INFORMATION

The crime victim liaison 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).

319.8 NEXT-OF-KIN NOTIFICATIONS

The Pueblo Police Department will make notifications of next-of-kin of deceased, seriously injured or seriously ill persons when encountering such persons in the course of duty or when requested to make such notifications by outside agencies. Next-of-kin notifications shall be made in accordance with the procedures set forth in this policy.

(a) The responsibility for making death notifications in the City of Pueblo lies with the Pueblo County Coroner's Office. If notification cannot be handled by the Coroner, or the situation requires officer contact with the victim's next-of-kin, however, the notification will be made by the Pueblo Police Department.

(b) The next-of-kin of seriously injured or seriously ill persons who are hospitalized will normally be notified by hospital staff. If notification cannot be handled by the hospital, or the situation requires officer contact with the victim's next-of-kin, however, the notification will be made by the Pueblo Police Department.

(c) Prior to making a next-of-kin notification, the handling officer should first request that an ACOVA victim advocate accompany the officer.

(d) Whenever possible, assistance should be obtained from a member of the Pueblo Law Enforcement Chaplain Corps, the clergy, or a relative or close friend of the person(s) to be notified.

(e) Officers should avoid using the name of the deceased, seriously injured or seriously ill person over the radio prior to making the notification.

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(f) Next-of-kin notifications should be carried out promptly and in a courteous manner.

(g) Next-of-kin notifications shall be made in person, unless the exigency demands telephonic notification.

(h) When making a next-of-kin notification, the officer should speak in a calm, direct and compassionate manner, providing adequate detail to explain what occurred.

(i) An officer making a next-of-kin notification should provide any and all available information regarding the location of the deceased, seriously injured or seriously ill person, contact information of applicable persons or entities, etc.

(j) Upon making the notification, the officer shall document such via CAD note entry or incident report.

(k) Officers should contact a supervisor for guidance when in doubt concerning whom to notify.

Members of this department will make next-of-kin notifications in the same manner as outlined above when requested to do so from an outside agency. Outside agency requests must be transmitted via teletype before any notifications are made. Upon receiving the teletype, officers are encouraged to make telephone contact with the requesting agency for additional details prior to making the notification.

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Bias-Motivated Crimes

320.1 PURPOSE AND SCOPE

The Pueblo Police Department 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 department 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, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

320.1.1 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).

320.2 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, ethnicity, gender, sexual orientation, gender identity or expression, or physical or mental disability, 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.

320.3 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this department 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.

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320.4 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES

Whenever any member of this department 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:

(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.

(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. The "Bias Motivated" field will be completed in all incident reports documenting said 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 available information on local assistance programs and organizations as required by the Victim and Witness 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 or City Attorney.

320.5 CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

If a case is assigned to the Criminal Investigation 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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320.5.1 STATE BIAS-MOTIVATED CRIME REPORTING
This department 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.

320.5.2 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 Section procedures and in compliance with (28 USC § 534(a)).

320.6 TRAINING
All officers of this department shall receive training on bias-motivated crime recognition and investigation and shall attend periodic training which incorporates a bias-motivated crime training component as provided by the Training Section.

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Standards of Conduct

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Pueblo Police Department and are expected of all department members. 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 member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

This policy is intended for internal use only and shall not be construed to increase or establish a member's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative actions.

This policy shall apply to all classified employees of this department. Unclassified employees, including part-time and temporary employees, shall comply with all regulations of conduct contained herein but shall remain at-will employees. This policy does not create a contract of employment with an unclassified employee, and any unclassified employee and the City may terminate employment at any time, with or without cause and without advance notice.

321.2 POLICY

The continued employment or appointment of every member of the Pueblo Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

A member'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 member's ability to perform official duties, that it may indicate a lack of unfitness for his/her position or that brings discredit or harm to the professional image or reputation of the Department, its members, the City or the law enforcement profession.

321.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

321.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

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No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal. A member's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

321.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

321.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall intervene and notify appropriate supervisory authority if they observe another member or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state or federal law, or local ordinance.

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Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

321.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

321.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in the Policy Manual or the Handbook of General Regulations issued by the Mayor.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

321.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Pueblo Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

321.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status,

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cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

321.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on--duty or through the use of one's official capacity.

(b) Engaging in on--duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

321.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

321.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information or other data classified as confidential.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

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(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

321.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or emergency contact information.

321.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making 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.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.

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2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.

(i) Violating the requirements of City Charter relating to political activity including but not limited to the following requirements and prohibitions:

1. Any employee desiring to run for public office shall take a leave of absence during such campaign and if elected shall cease to be employed by the City.

2. No person, including an employee, shall solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatsoever from any employee.

3. No employee shall contribute or expend any money or valuable thing, directly or indirectly, to assist in the election or defeat of any candidate or candidates in a City election.

4. No employee shall take part in the management, affairs or political campaign of any political party or any candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

5. No employee shall engage in political activity while on-duty, in a City uniform, or using a City vehicle including (a) display of a political picture, sticker, badge or button; (b) signing of a political petition; and (c) attendance at a political convention, rally, or fundraising function.

6. Employees are prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office.

(j) Any act on- or off-duty that brings discredit to this department.

(k) Racial- or bias-based profiling.

(l) Failure of a member to provide his/her name in a respectful manner to any citizen who may ask.

(m) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose.

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(n) Any knowing or negligent violation of the provisions of the Policy Manual, operating procedures, written directive of an authorized supervisor, or general regulation issued by the Mayor. The Department shall make the Policy Manual and Handbook of General Regulations issued by the Mayor available to all employees. Employees shall familiarize themselves with the Policy Manual and the Handbook of General Regulations and be responsible for compliance with each of the policies contained therein.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.

(q) Suggesting, recommending, advising or soliciting the retention or employment of any private provision of goods or services, such as bail bond brokers, attorneys, towing companies, ambulance companies, security agencies, etc., during the course of official duties.

(r) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(s) Giving legal advice or completing legal papers when such would compromise the integrity of a criminal case or create a conflict of interest between persons involved in a case and the department member's rights and responsibilities as a peace officer under the law. Department members shall, however, provide legal advice and/or complete legal documents when such are required as part of their duties. Department members may provide legal advice and/or complete legal documentation as part of personal matters, so long as such actions are not taken under the color of authority as a peace officer.

(t) Failure to abide by the applicable Code of Ethics adopted by the Pueblo Police Department (see the Oath of Office and Code of Ethics Policy).

321.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

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(g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without notifying the Chief of Police within seven days of initiating such action.

(m) Seeking restraining orders against individuals encountered in the line of duty without notifying the Chief of Police within seven days of initiating such action.

(n) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

(o) Subjecting another to discriminatory harassment, including sexual harassment.

(p) Publicly criticizing or ridiculing the Department, its policies, supervisors, the Mayor, City Attorney, members of City Council, members of appointed commissions, or other employees by talking, writing, or communicating in any manner which:

1. is defamatory,
2. is obscene,
3. is unlawful, or
4. tends to impair the operation of the Department or the City by interfering with the ability of supervisors to maintain discipline, or by a reckless disregard for the truth.

The provision of this subsection (p) shall not to be interpreted as a hindrance to the basic employee rights to make grievances in accordance with City ordinance or the terms of any collective bargaining agreement or to infringe on a member's right to free speech.

321.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

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(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the workplace, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related disease, injury or death as soon as practicable but no later than 24 hours (CRS § 8-43-102).

321.5.11 INTOXICANTS

(a) Members shall not possess or use any controlled substance, prescription drug, narcotic, or hallucinogen, except when prescribed as treatment by a physician or dentist and used consistent with such prescription (herein "Illegal Drugs"). Possession or use of medical marijuana pursuant to Section 14 of Article XVIII of the Colorado Constitution is illegal under Federal Law, is not a prescribed treatment and is prohibited. A member shall notify the member's supervisor if any prescribed treatment is likely to affect the member's ability to perform the member's duties. In the event the prescribed use of such substance renders, or may render the member unfit for duty, the member shall be placed on the appropriate leave status. It is the City's policy to maintain a drug-free workplace. Members who possess, use, distribute or dispense an Illegal Drug while on-duty or upon City property shall be subject to discharge for the first offense. Members who appear for duty or are on-duty while impaired by or under the influence of an Illegal Drug shall be subject to discharge for the first offense. The provisions of this subsection (a) shall have no application to the authorized possession of an Illegal Drug in the performance of an official assignment.

(b) Members shall not appear for, nor be on-duty while impaired by or under the influence of alcohol, nor with the odor of alcohol on the breath. The unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment, is prohibited. A member who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance. For purposes of this policy, "alcoholic beverage" means any beverage that may be legally sold and consumed and has an alcoholic content in excess of 3% by weight and/or volume. Members who appear for duty or are on-duty while impaired by or under the influence of alcohol shall be subject to discharge for the first offense.

(c) Members shall not consume any alcoholic beverage, on- or off-duty, while in uniform or any recognizable portion of the uniform.

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Information Technology Use

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

All department members must be familiar, and comply with the Citywide Information Technology Policy (IT Policy). This policy merely summarizes how the IT Policy may more specifically apply the use of department computers, software and systems. This policy is not meant to replace the IT Policy and should any provisions of this policy conflict with the IT Policy, the IT Policy shall control.

322.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Pueblo Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including "shareware." This does not include files created by the individual user.

Temporary file, **permanent file** or **file** - 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, messages, photographs or videos.

322.2 POLICY

It is the policy of the Pueblo Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy and the IT Policy.

322.3 COMPUTER PASSWORDS

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of the City's entire computer network. As such, all department members are responsible for taking the appropriate steps to select and secure their passwords, as outlined in this policy.

The purpose of this policy is to establish a standard for the creation and protection of passwords. This policy applies to all personnel who access any computer system that resides at any City of

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Pueblo facility, who have access to the City's network or who store any nonpublic City of Pueblo computer system data.

322.3.1 CONSTRUCTION OF PASSWORDS
The City's computer system is configured to accept only "strong passwords". A weak password is unacceptable because it can easily be defeated by the criminal element. An example of a weak password is one that contains less than eight (8) characters and does not contain a combination of uppercase letters, lowercase letters, numbers, and symbols. Weak passwords may be words found in a dictionary, and are often so basic as to be nothing more than names, birth dates or words easily linked to the password holder. Simply spelling words backwards and/or adding a number does not make the password significantly stronger.

A strong password, as required by this department, shall be at least eight characters in length and must consist of a combination of uppercase letters (A, B, C), lowercase letters (a, b, c), numbers (1, 2, 3...) and symbols (!, @, #). All computer system users are required to construct strong passwords for themselves, and will not be allowed access into the system if their password does not meet the criteria listed herein.

322.3.2 PROTECTION OF PASSWORDS
Protecting passwords is as critical to the system's security as is a strong password. Passwords should never be shared with anyone, and should never be written down or stored anywhere, especially if left in a location where the password could be easily discovered. Users should not use the same password for multiple uses, such as personal banking, Internet purchases, etc.

322.3.3 CHANGING PASSWORDS
Passwords must be changed on a quarterly basis as required by Criminal Justice Information System (CJIS) standards. The City's computer system will be configured to require password changes at least quarterly, in accordance with CJIS regulations.

322.4 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department 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 Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes 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 a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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322.5 INSPECTION OR REVIEW

A supervisor has the express authority to inspect or review the computer system, all temporary or permanent files, 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.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

If requested pursuant to the IT Policy, the IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system.

322.6 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors.

Access to records of the City Licensing Officer shall be limited to investigations conducted to assure compliance of any applicant or licensee with the requirements of City Code or law. In no event shall a member access tax returns, information gained from such return, or other audit information kept or maintained by the Department of Finance pursuant to Title XIV of the Pueblo Municipal Code.

Members shall 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.

322.6.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer. Only Information Technology Department (IT) staff may download or install software on any computer or system.

When related to criminal investigations, software program files may be downloaded only with the approval of the IT staff.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

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Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

322.6.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

322.6.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

322.6.4 OFF-DUTY USE

Unless specifically pre-authorized by a supervisor, members shall only use technology resources provided by the Department while on-duty. Members in specialized assignments who are subject to call-out (e.g., Crimes Against Persons Section detectives who respond to and investigate incidents of homicide) may answer/respond to communication from an on-duty department member for potential activation. Prohibited off-duty use of technology resources includes but is not limited to remote access to files, the use of telephones, cell phones, texting or email, or use of personally-owned computers to access department resources.

Refer to the Personal Communication Devices Policy for further guidance with respect to use of personal communication devices.

322.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are 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,

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logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

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Report Preparation

323.1 PURPOSE AND SCOPE

Report preparation is a major part of most employees' jobs. 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.

323.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. While reports requiring prompt follow-up action on active leads should generally not be delayed, arrest reports where the suspect remains in custody shall be completed before the employee goes off-duty. Furthermore, the immediate supervisor of the employee who makes an arrest late in his/her shift shall ensure that the arrest report is properly reviewed in a timely manner by an oncoming supervisor.

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.

323.2 REPORTING SYSTEM COMPONENTS

The Pueblo Police Department’s reporting system contains several components, including, but not limited to, the following:

(a) Incident Reports

(b) Supplemental Reports

(c) Traffic Accident Reports

(d) Citations/Summonses/Penalty Assessments

(e) Computer Aided Dispatch (CAD) System entries (i.e., call information with an appropriate disposition summary entered by either the handling department member or Communications Center personnel)

(f) Citizen self-completed reporting mechanisms (e.g., Police to Citizen (P2C) online reporting website)

323.3 REQUIRED REPORTING

Department members shall ensure that every incident in one or more of the following categories is reported if the incident is alleged to have occurred in the Pueblo Police Department’s service area:

(a) Citizen reports of crimes;

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(b) Citizen complaints;

(c) Incidents resulting in an employee being dispatched or assigned;

(d) Criminal and noncriminal cases initiated by law enforcement employees; and

(e) Incidents resulting in arrests, citations or summonses.

Department members shall use the appropriate reporting system component(s) for reporting incidents in one or more of the above categories.

323.3.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity that shall be documented using the appropriate reporting system component includes:

(a) All arrests

(b) All felony and misdemeanor crimes

(c) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Bias-Motivated Crimes Policy
6. Suspicious Activity Reporting Policy

323.3.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate reporting system component include:

(a) Any use of physical force against any person by a member of this department (see the Use of Force Policy).

(b) Any firearm discharge (see the Firearms Policy) except during approved range training.

(c) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy).

(d) Any found property or found evidence.

(e) Any traffic collisions above the minimum reporting level (see the Traffic Accident Response and Reporting Policy).

(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.

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(h) Suspicious incidents that may place the public or others at risk.

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

(j) Citizen complaints, including the actions taken to investigate the complaints and the suggestions offered/referrals provided to correct the deficiencies.

323.3.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. An officer 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 an Incident 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

323.3.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury or damage 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.

323.3.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury occurs on City property.

(b) The injury is a result of a drug overdose.

(c) There is an attempted suicide.

(d) The injury is major or serious, whereas death could result.

(e) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

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.

323.4 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

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(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Theft from Auto with no suspect information or evidence.

(e) Annoying telephone calls with no suspect information.

(f) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(g) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer the victim to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

323.5 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. Incomplete reports, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.6 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report and return it to the reporting employee for correction. If the supervisor cannot verbally explain the reasons for the rejection directly to the reporting employee, he/she should write them in the appropriate notes field when returning the report. Reports requiring correction should be returned to the reporting employee as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

CAD System entries do not require the approval of a supervisor.

323.7 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

324.1 PURPOSE AND SCOPE

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

324.2 RESPONSIBILITIES

324.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) 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 agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

324.2.2 PUBLIC INFORMATION OFFICER COMMUNITY RELATIONS

The PIO is responsible for maintaining a relationship with the local community (e.g., local businesses, service clubs, schools, religious organizations, other government agencies) that is consistent with the goals and objectives of this department. The [PIO] shall maintain documentation on all public education efforts including classes, informational flyers and other documentation, meetings and press releases.

324.3 MEDIA ACCESS

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:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. 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 the Highest Ranking Officer On Scene.

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(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody are not permitted. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

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. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the PIO or the Highest Ranking Officer On Scene.

324.3.1 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).

324.3.2 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.

324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a computer database containing public information and reports for the purpose of making such information available to media representatives and the general public. This computer database will consist of data classified as public and should generally contain:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Any requests for copies of related reports or additional information not contained in this computer database shall be referred to the custodian of records, or if unavailable, to the Watch Commander. Such requests will be processed in accordance with policy and state law.

324.4.1 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 department (see the Records Maintenance and Release and the Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

324.5 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

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Court Appearance and Subpoenas

325.1 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.

325.1.1 DEFINITIONS

Definitions related to this policy include:

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 telephone or pager.

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.

Trailing status - When an employee remains on standby status for additional court sessions until notified otherwise.

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.

325.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this department 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.

325.2.1 VALID SUBPOENAS

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished only by personal service on the employee unless the employee has signed a written admission or waiver of personal service (CRCP Rule 45(c); CRCP Rule 17(e)). The waiver of personal service can also be accomplished by accepting the subpoena electronically via the Colorado District Attorneys' Council website at http://www.cdacweb.com.

325.2.2 ACCEPTANCE OF SUBPOENA

No employee shall accept service of a subpoena on behalf of another employee of this department. Only the employee named in a subpoena shall be authorized to accept service of a subpoena. The Department has agreed, however, to accept subpoenas from the Pueblo County District Attorney's Office, the Pueblo County Public Defender's Office and the City of Pueblo Municipal Court in lieu of

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personal service to employees, and route such subpoenas to the proper employees for personal service waivers to be signed.

Subpoenas received by the Department to be delivered to the employee in lieu of personal service shall be immediately routed to the affected employee's work group. Individual units, sections and divisions are responsible for maintaining a chronological log of all subpoenas received for employees assigned to such work groups and ensuring the subpoenas are properly maintained for delivery to/receipt by affected employees. Subpoenas sent electronically by the Pueblo County District Attorney's Office via the Colorado District Attorneys' Council website are automatically logged and tracked, however, and do not require manual chronological recording of subpoena information.

325.2.3 REFUSAL OF SUBPOENA

Training, unscheduled 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 the issuing authority of his/her unavailability to appear.

If a subpoena is presented for service to an immediate supervisor or other individual by a process server, the supervisor or other individual should tell the process server to serve directly to the named witness. If the named witness is not on-duty, the supervisor shall inform the process server of the next available duty dates for the witness.

325.2.4 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home telephone number, and to provide an accurate and reasonably reliable means or method for contact.

If an employee on standby changes location during the day, the employee shall notify the court or authority issuing the subpoena how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

Department members who have been placed on standby or on-call status shall immediately notify their Bureau Chief when they anticipate submitting a request for overtime compensation in excess of two hours.

325.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for off-duty actions not related to their employment with the Pueblo Police Department 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 the immediate supervisor.

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325.2.6 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.

325.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY
The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the Department will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Department 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 Department.

325.3.1 PROCEDURE
To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

325.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the employee or the Department is not a party without properly posted fees pursuant to applicable law (CRCP Rule 45).

325.3.3 PARTY MUST DEPOSIT FUNDS
A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

325.4 OVERTIME APPEARANCES
If the employee appears on his/her off-duty time, he/she will be compensated in accordance with the applicable collective bargaining agreement.

325.5 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.

325.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed employee shall obtain a copy of relevant reports and become familiar with their content in order to be prepared for court.

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325.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business professional attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks. Refer to the Uniform Regulations Policy for further guidance on proper courtroom attire.

325.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

325.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify or who has agreed to testify or provide information on behalf of or at the request of any party other than the State of Colorado, any 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 and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding; and

(b) Providing testimony or information for the plaintiff in a civil proceeding.

This section shall not apply to the recognized collective bargaining agent or its members regarding disciplinary matters, grievances, collective bargaining or other union representational activities.

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Mutual Aid and Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance from another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible. Assistance shall be consistent with the applicable laws and policies of this department when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance (CRS § 29-5-104).

The Department may at the discretion of the Chief of Police establish an agreement for reciprocal law enforcement with another agency, including those of neighboring states, provided those agreements meet statutory requirements pursuant to CRS § 29-1-206. All mutual aid agreements must be approved as to form by the City Attorney and approved by City Council by ordinance. An agreement may include:

(a) Assisting other peace officers in the line of their duties and within the course of their employment.

(b) Exchanging Department peace officers with peace officers of another agency on a temporary basis.

326.2 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the Watch Commander's office or an on-duty supervisor for approval. Any such response to assist an outside agency should be considered for authorization pursuant to law or an established mutual aid plan (see generally CRS § 33.5-713).

When an authorized employee of an outside agency requests the assistance of this department 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 supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to another agency's facilities.

When such assistance is rendered, a case number will be issued to report action taken by Pueblo Police Department personnel.

326.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting officer should secure radio frequencies 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.

A resource to consider for obtaining mutual aid assistance could include the State of Colorado All Hazards Emergency Resource Mobilization Annex available from the Colorado Division of Homeland Security and Emergency Management.

326.4 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID

The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate the incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform fire fighting, rescue, emergency medical and other critical life-saving response activities in accordance with the Pueblo County Emergency Operations Plan.
- Contact the local Colorado state dispatch and request support if it occurs on any federal, state or county highway located outside of municipal city limits.
- 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 Department should clarify if it is requesting assistance only or complete scene management.

326.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Services Bureau Chief or his/her designee. 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. Copies of the list should be provided to the Communications Center and captains to ensure proper use in compliance with agreements.

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Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Pueblo Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

327.2 POLICY

It is the policy of the Pueblo Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

327.3 REGISTRATION

The Registered Sex Offender Unit shall establish a process to reasonably accommodate registration of certain offenders. The process should 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 should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the registration information shall be provided to the Colorado Bureau of Investigation by the clerk responsible for submitting such on behalf of the Registered Sex Offender Unit (CBI) (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 should initiate a criminal investigation for failure to register.

327.3.1 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).

327.3.2 WAIVERS OF IN-PERSON RE-REGISTRATION

The Registered Sex Offender Unit should (CRS § 16-22-108):

(a) Establish procedures for determining whether a registrant is eligible for a waiver under CRS § 16-22-108.

(b) Submit verification forms to CBI and other applicable law enforcement agencies.

(c) Review existing waivers to confirm registrants still meet eligibility requirements for the waiver.

(d) Notify victims, upon request by the victim, that a waiver has been authorized.

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327.4 MONITORING OF REGISTERED OFFENDERS

The Registered Sex Offender Unit should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on CBI's Convicted Sex Offender Registry website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Crimes Against Persons Sergeant.

The Registered Sex Offender Unit should also establish a procedure to routinely disseminate information regarding registered offenders to Pueblo Police Department personnel, including timely updates regarding new or relocated registrants.

327.4.1 MANDATORY CONFIRMATION

Following a registrant’s first registration with the Department, the residence verification referenced above shall occur as soon as possible after the registration and annually thereafter. Residence confirmation shall occur quarterly if the registrant is a sexually violent predator (CRS § 16-22-109).

327.5 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 the authorized designee if warranted. A determination will be made by the Chief of Police or the authorized designee, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided with CBI’s Convicted Sex Offender Registry website or the Pueblo Police Department’s website.

The Records Manager shall release local registered offender information to residents in accordance with state law (CRS § 16-22-112; CRS § 24-72-301 et seq.) and in compliance with a Colorado Criminal Justice Records Act request.

327.5.1 RELEASE NOTIFICATIONS

Sex registrant information that is released shall include the 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))

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327.5.2 MANDATORY DISSEMINATION

The Department 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 Department 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's Sex Offender Management Board (SOMB) (CRS § 16-13-904; CRS § 16-13-905; CRS § 16-13-906).

327.5.3 DISCRETIONARY DISSEMINATION

The Department may also provide local sex offender information to any other person the Department determines warrants notification. If the Department elects not to release registrant information to a non-resident, the Department may submit a request from the non-resident to CBI (CRS § 16-22-112).

327.5.4 INFORMATION AVAILABLE VIA THE INTERNET

The Department may post the following registered offender information on its website only if the person is adjudicated or convicted of the offenses in 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 SOMB and a sexual assault victims' advocacy group, or a link to educational information included on the CBI website

(c) A link to the National Sex Offender Public Website

(d) A link to the CBI Convicted Sex Offender Registry website

(e) A link to other law enforcement agencies

327.5.5 PURGE OF LOCAL SEX OFFENDER REGISTRY

When a court order discontinuing a registrant's duty to register is received by the Department, the Records Section shall ensure that the registrant's registration information is removed from the department local sex offender registry (CRS § 16-22-113).

327.6 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 Colorado Department of Corrections (CDOC) (CRS § 16-22-106; CRS § 16-22-107).

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Prior to registrants being discharged from the CDOC, this department shall verify that (CRS § 16-22-107(4)(a)):

(a) The address provided by the person is a residence.

(b) The occupants or owners of the residence know of the person's history of unlawful sexual behavior.

(c) The occupants or owners of the residence have agreed to allow the person to reside at the address.

(d) 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 Department shall notify the CDOC that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).

327.6.1 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 Notification

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

328.2 POLICY

The Pueblo Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the affected Bureau Chief and the balance of the command staff. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Missing children or endangered missing adults
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty (See Officer Involved Shootings and Deaths Policy for special notification)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Pueblo official
- Arrest of Department employee or prominent Pueblo official
- Aircraft, train, boat or other transportation crashes with major damage and/or injury or death
- In-custody deaths
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- CAD, radio, network, facility system or utility failures and incidents that may affect staffing or pose a threat to basic police services
- Incidents where there may be a question as to the Department's liability
- Any other incident, which has or is likely to attract significant media attention or heightened community interest

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328.4 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander is responsible for initiating notifications via the Communications Center as soon as practicable and ensuring the appropriate notifications are made. Such notifications should be made by using the notification protocol maintained in the Communications Center.

When the Watch Commander makes personal notifications to the command staff and other affected individuals, he/she should make reasonable attempts to obtain as much information on the incident as possible before making such notifications.

328.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the affected Bureau Chief and the Criminal Investigation Division Captain if that division is providing assistance.

328.4.2 DETECTIVE NOTIFICATION

If the incident requires that an officer or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

328.4.3 TRAFFIC OFFICER NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified. The Traffic Sergeant will determine the number of investigators needed and inform the dispatcher of such. The dispatcher will then contact the appropriate investigator(s) according to the established call-out list. Upon making those contacts, the dispatcher will call the Traffic Sergeant and inform him/her of the results of the call-out.

328.4.4 HIGHEST RANKING OFFICER ON SCENE

After members of the command staff have been notified, the Highest Ranking Officer On Scene should be called if it appears the media may have a significant interest in the incident.

328.4.5 PUBLIC INFORMATION OFFICER NOTIFICATION

The Public Information Officer (PIO) shall be notified of any and all events that occur, as identified in the Minimum Criteria for Notification above, without delay.

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Death Investigation

330.1 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.

330.2 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.

330.2.1 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.

330.2.2 SEARCHING DEAD BODIES

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.

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 death report.

330.2.3 DEATH NOTIFICATION

Death notifications shall be made in accordance with procedures set forth in the Victim and Witness Assistance Policy.

330.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in the appropriate report.

330.2.5 SUSPECTED HOMICIDE

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 Bureau shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Watch Commander or Criminal Investigation Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

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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.

330.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency 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 may 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

331.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

331.2 REPORTING

(a) To maintain uniformity in reporting, officers shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides (CRS § 16-5-103(4)).

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department 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).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that an Order of Factual Innocence is available to help those who are wrongly linked to crimes (CRS § 16-5-103(2)(b)). A court may order identifying information contained in criminal justice records to show that the information is not accurate and does not reflect the perpetrator's identity because of identity theft. Information can be obtained by contacting the Department of Revenue.

(f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

331.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access additional information on the official Colorado state government website.

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331.4 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 find FTC contact information online through its official website. Additional information may be found at the U.S. Department of Justice and/or FBI websites.

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Private Persons Arrests

332.1 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.

332.2 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 effect 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.

332.3 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.

332.4 OFFICER RESPONSIBILITIES

In all circumstances in which a private person is claiming to have made an arrest, a primary officer shall be designated and assigned to handle the call for service. The assigned officer shall conduct a standard investigation in accordance with Department policy. The officer must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain

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the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.

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 cause 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 cause 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.

332.5 REPORTING REQUIREMENTS

The primary officer assigned to the call for service shall be responsible for handling all aspects of the investigation, including the completion of all required reports and documentation (e.g., incident reports, arrest affidavits, summonses, booking sheets, etc.). The private person claiming to have made the arrest shall be identified as the reporting party, victim, witness, suspect, or whatever role(s) he/she played in the incident, and designated as such in the officer's report. The officer shall also attempt to obtain a written statement from the private person claiming to have made the arrest to be included with his/her report.

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Citizen Municipal Court Complaint Process

333.1 PURPOSE AND SCOPE

It is the intent of the Pueblo Police Department to provide necessary services to the citizens of the City of Pueblo. One of those services is a method to address violations of municipal ordinances in which an officer did not witness the violation, but reasonable grounds exist to believe the violation occurred.

333.1.1 DEFINITIONS

Reasonable Grounds - A set of facts or circumstances which would cause a person of ordinary and prudent judgment to believe beyond a mere suspicion that a violation of municipal ordinance has occurred.

Probable Cause - Probable cause exists when the facts and circumstances within the arresting officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime or violation of municipal ordinance.

Summons and Complaint - A municipal citation issued through the electronic process (E-Ticket) or through a hand written citation (U-Ticket) citing a violation of municipal ordinance.

Citizen Statement of Complaint - A form authorized by the Head Municipal Court Judge; whereby a citizen states the circumstances surrounding an incident where a violation of municipal ordinance occurred, after a police officer has determined there were reasonable grounds to believe the violation occurred.

333.2 PROCEDURE

If, upon dispatch to and investigation of an incident the officer determines that probable cause exists that a violation of municipal ordinance has occurred, he/she shall take whatever enforcement action is deemed necessary to deal with the immediate situation and write a report to cover the incident. If the defendant is not present and probable cause exists, then a Municipal Complaint and Affidavit will be prepared by the investigating officer and forwarded to Municipal Court requesting an arrest warrant. Immediate enforcement action will be arrest or the issuance of a citation for a violation of a municipal ordinance.

If probable cause does not exist but reasonable grounds exist to believe that a violation of municipal ordinance has occurred, and there is a complaining witness and a known defendant, the following procedure shall be followed:

(a) All parties will be cleared locally, CCIC and NCIC to determine if any of the parties involved are wanted for other incidents. If the officer on scene has independent knowledge that an individual is clear from all wants and warrants, the clearance is not necessary for that individual.

(b) Once it is determined that a violation of municipal ordinance has occurred, the officer will enter the defendant's name, where appropriate, the specific applicable ordinance

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violation and the complaining witness's name, where applicable. The officer will also enter the citation number, or the case report number if one is drawn, on the Citizen Statement of Complaint. If for any reason the complaining witness cannot complete the narrative portion of the Citizen Statement of Complaint, then the officer or another individual may assist the complaining witness in completing the narrative. Once complete, the officer will review the statement to determine if the content supports the ordinance violation. If so, the officer will sign the statement witnessing the complaining witness statement.

(c) Once the Citizen Statement of Complaint has been completed and reviewed, the officer will complete a Municipal Summons and Complaint (Citation) in either an E-Ticket or U-Ticket format for the appropriate municipal ordinance violation using the next appropriate Municipal Court arraignment date. The officer will have the complaining witness sign the Municipal Summons and Complaint as the complainant. When using a U-Ticket, the officer will determine the complaining witness' legal name, date of birth, current address, telephone number and email address, placing the information on the back of the U-Ticket. If the officer is using an E-Ticket, the same information will be entered or updated in the master name module in the RMS under the "witness" button of the citation module as the complainant. The officer will determine the defendant's current information, such as legal name, home address, telephone number and physical description, and update the information in the master name module. When issuing an E-Ticket, the officer will check the check box "Muni Comp" (municipal complaint) on the citation. If a U-Ticket is issued, then the Records Section clerk entering citations will check the "Muni Comp" box. This will allow for quick reference and searching for municipal complaints.

(d) The officer will sign the Municipal Summons and Complaint as the issuing officer and serve it on the defendant. If the defendant is not on scene, the officer will continue to attempt to locate the defendant an appropriate amount of time before the court date to serve the citation. Upon authorization of the appropriate captain, the officer may return the citation to Municipal Court as unserviceable with an explanation of the attempts of service. If served, updated information on the defendant will be obtained and the master name module updated.

(e) The Citizen Statement of Complaint will be scanned and attached to the Municipal Summons and Complaint issued to the defendant, or if a case number is drawn to the report, with the original being forwarded to Municipal Court with the original U-Ticket or the printed copy of the signed E-Ticket. The U-Ticket will be transcribed into the citation module of the RMS, with the U-Ticket, with the complainant's signature being scanned and attached to the citation, or report if a case number is drawn.

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333.3 OFFICER APPEARANCE ON CITIZEN COMPLAINTS

An officer issuing a citation in reference to a Citizen Statement of Complaint for a signed complaint will be required to make an appearance in Municipal Court upon being served with a subpoena for the officer's appearance. For the violation of Theft From Merchant, where the officer only responded to an employee of the business and issued a citation for the incident, the officer's appearance will not be required unless the employee of the business requests such and a subpoena is issued ordering the officer's appearance. In any case, the issuing officer will be responsible for issuing field subpoenas to the complainant and any witnesses prior to the trial date.

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Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 DEFINITIONS

Definitions related to this policy include:

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

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

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.

Qualified bilingual member - A member of the Pueblo Police Department, designated by the Department, 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.

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

334.2 POLICY

It is the policy of the Pueblo Police Department 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 Department 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.

334.3 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 Operations Bureau Chief.

The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Pueblo Police Department's LEP services to LEP individuals.

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(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 Dispatch Manager. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) 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.

(e) Periodically 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.

(f) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(g) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(h) Receiving and responding to complaints regarding department LEP services.

334.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department 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 Department 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.

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334.5 TYPES OF LEP ASSISTANCE AVAILABLE

Pueblo Police Department 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 Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools 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.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 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.

334.7 AUDIO RECORDINGS

The Department 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.

334.8 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 non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

334.9 AUTHORIZED INTERPRETERS

Any person designated by the Department 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.

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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.

334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department 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 Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

334.9.2 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 Department to communicate with LEP individuals.

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

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individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.10 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 Department or some other identified source.

334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Pueblo Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.11.1 EMERGENCY CALLS TO 9-1-1

Department 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 the Communications Center, 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 (Language Line) 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.

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.

334.11.2 LANGUAGE LINE

Language Line is a private translation service used by many local, state, and federal agencies and provides translation services for over 170 languages 24 hours a day, 365 days a year. Therefore, a standardized procedure for the use of Language Line services has been established to provide all personnel with the understanding of the purpose of the service and how it should be used.

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The City of Pueblo has provided Language Line to be used on incoming 9-1-1 and administrative calls in which the call-taker is unable to communicate with a LEP caller.

If a 9-1-1 call is received by the Communications Center that involves an LEP caller, the call-taker should first see if there is a Communications Center employee that can translate the call. If one is not available, Language Line may be used.

If a 9-1-1 call is received by the Communications Center and the call-taker determines that the LEP caller has an emergency, Language Line may be used.

If a 9-1-1 call is received by the Communications Center and the call-taker is unable to determine if the LEP caller has an emergency, Language Line may be used.

If a sworn officer is with a LEP caller, he/she may request the use of Language Line. The officer will contact the Communications Center and ask to be conferenced in with Language Line. Either the officer or Communications Center personnel will need to stay on the line with Language Line and the citizen for the duration of the call. If the officer is conducting any type of interrogation, the officer must remain on the line with Language Line for the duration of the call.

Public Safety Answering Point/Communications Center (PSAP) personnel are responsible for safeguarding the telephone number and PSAP password in order to provide continued availability of the service. Under no circumstances will the Language Line telephone number and password be released to any persons outside the PSAP.

334.12 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.

334.13 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

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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.

334.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 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.

334.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified bilingual member, an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

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Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.17 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 to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department 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.

334.18.1 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 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

335.1 PURPOSE AND SCOPE

This policy provides guidance to Department Members when communicating with individuals who are deaf or hard of hearing.

335.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of a Qualified interpreter, 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 or device to amplify sound; use of a teletypewriter (TTY), telecommunications device for the deaf (TDD), or videophones via a video relay service (VRS).

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance. This includes 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)).

Department Member - Any person employed or appointed by the Pueblo Police Department, including certified officers, reserve officers, civilian employees and volunteers.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters may include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should have a valid certification of competency accepted by the Commission for the Deaf and Hard of Hearing and hold a current certification issued by the registry of interpreters for the deaf or a successor organization, which certification can be made available for immediate inspection. (CRS §§ 13-90-202(8) and 6-1-707(1)(e)).

335.2 POLICY

It is the policy of the Pueblo Police Department to reasonably ensure that people who are deaf or hard of hearing, including victims, witnesses, suspects, arrestees and detainees have equal access to law enforcement services, programs and activities. Department Members shall take appropriate steps to ensure that communications with deaf or hard of hearing individuals are as effective as communications with others. The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

335.3 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 Operations Bureau Chief or the authorized designee.

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The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Pueblo Police Department's 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 Watch Commander and Dispatch Manager, who will in turn, ensure that the list is readily available to dispatchers who receive requests for interpreters. The list should include information regarding the following:

1. Contact information
2. Availability
3. Protocol for requesting interpreter services

(e) Developing procedures that will enable Department Members to access auxiliary aids or services, including Qualified interpreters, and ensure the procedures are available to all Department Members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Adopting and publishing complaint procedures providing for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities and services required under these policies.

335.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, Department Members should consider all information reasonably available to them when determining how to communicate with an individual who is deaf or hard of hearing. Department Members should carefully balance all known factors in an effort to reasonably ensure people who are deaf and hard of hearing have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Department Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement or is able to provide basic information via written notes does not always mean he/she completely understands the message. When there is any doubt, Department Members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness vs. hard of hearing).

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(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 immediately available does not eliminate the obligation to take appropriate steps to ensure that communications with deaf or hard of hearing individuals are as effective as communications with others. For example, if a deaf or hard of hearing individual is offered and selects a Qualified interpreter, there may be some time lag between the call being placed for the interpreter and the time the interpreter arrives. Once a Qualified interpreter is offered and requested, Department Members should advise the individual of the anticipated wait for a Qualified interpreter and, as a courtesy, offer the individual to choose an alternative method of communication, if the wait will exceed one hour. However, in an emergency, availability may factor into the type of aid used.

Alternative methods of communication shall not be used for any booking processes, any interviews or any interrogation while waiting for the Qualified interpreter to arrive, unless the individual selects an alternative method of communication.

In determining what types of auxiliary aids and services are necessary, Department Members shall give primary consideration to the requests of individuals with disabilities.

335.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Department Members should remain alert to the possibility of communication problems.

Department Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a Department Member knows or suspects an individual requires assistance to effectively communicate, the Department Member shall identify the individual's choice of auxiliary aid or service as soon as possible. In an emergency situation, when a Department Member knows or suspects an individual requires assistance to effectively communicate, the Department Member shall identify the individual's choice of auxiliary aid or service as soon as the emergent circumstances are abated.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication selected by the individual.

(b) The methods of communication usually used by the individual.

(c) The nature, length and complexity of the communication involved.

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(d) The context of the communication.

In order to determine whether an individual who is deaf or hard of hearing requires a Qualified interpreter, Department Members will, in non-emergent situations, offer the deaf or hard of hearing individual the form attached hereto as Appendix 1. If the individual who is deaf or hard of hearing selects "Yes," the Department Member must provide and the Department pay for the services of a Qualified interpreter.

The Communications Center will contact a Qualified interpreting service agency and request an estimated time of arrival. If a Qualified interpreter cannot respond within one hour, the Department Member shall, as a courtesy, attempt to notify the hearing impaired person of the anticipated wait time for a Qualified interpreter so that the individual may choose an alternative method of communication, if the individual wishes to do so. Prior to the arrival of the interpreter, the Department Member should try to communicate, either in writing or otherwise, to the suspect in simple language explaining what is transpiring or will transpire.

In emergency situations involving an imminent threat to the safety or welfare of any person, Department Members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. 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 interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the Department Member must inquire as to the individual's preference and give primary consideration to that preference, beginning with offering the deaf or hard of hearing individual Appendix 1.

If an individual who is deaf or hard of hearing must be handcuffed while in the custody of the Pueblo Police Department, the Department Member must, safety permitting, place the handcuffs in the front of the body to facilitate communication using sign language or writing.

335.6 TYPES OF ASSISTANCE AVAILABLE

Department Members shall never refuse to assist an individual who is deaf or hard of hearing who is requesting assistance. The Department 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 assistance. The Department will provide equal access and timely assistance to individuals who are deaf or hard of hearing.

A person who is deaf or hard of hearing may choose to accept department-provided auxiliary aids or services or they may choose to provide their own, but the Department Member must offer to provide the auxiliary aid or service giving primary consideration to the preference of the person.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

335.7 RESERVED

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335.8 QUALIFIED INTERPRETERS

A Qualified interpreter will 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 to understand what others are saying. The procedure that Department Members will use for determining whether the individual who is deaf or hard of hearing wants a Qualified interpreter is set forth in 370.5 and Appendix 1.

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, preferably within, but in no event longer than, two hours 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) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(e) Knowledgeable of the ethical issues involved when providing interpreter services.

335.9 TTY AND RELAY SEARCHES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), Department 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, TDD or videophone). Department Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY, TDD or videophone calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162). Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

335.9.1 EMERGENCY E-MAIL

Considering the widespread use of smartphones, which provide users with the ability to communicate electronically in an efficient manner, the e-mail address of 911@pueblo.us has been established to provide an additional means for the deaf or hard of hearing to contact the Department to report emergencies. E-mails sent to this e-mail address are received by the Communications Center and answered with the same priority as 9-1-1 lines.

335.10 RESERVED

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335.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, Department 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 involving an imminent threat to the safety or welfare of an individual or the public or critical situations when there is no Qualified interpreter reasonably available.

Adults shall not be relied upon except when (28 CFR 35.160):

(a) There is an emergency involving an imminent threat to the safety or welfare of an individual or the public or critical situation and there is no Qualified interpreter reasonably available, or

(b) The person who is deaf or hard of hearing 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 appropriate under the circumstances.

335.12 REPORTING

Whenever any Department Member is required to complete a report or other documentation, and communication assistance has been provided, such services must be noted in the related report. Department Members must document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the Department Member 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. 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 related case report.

335.13 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.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every Department Member. Department Members 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. Where Department Members know or have reason to suspect that an individual is deaf or hard of hearing prior to encountering such

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individual (such as when serving warrant), Department Members shall contact Communications Center to determine if the individual has indicated their preferred method of communication on the Police Department's Special Needs Registry and if so, provide that preferred method at the time of the encounter.

Although not every situation can be addressed in this policy, it is important that Department 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 Department Member is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

Except when exigent circumstances exist, the Department Member must offer a Qualified interpreter, using the process set forth in 370.5, and if chosen Department Members shall obtain the assistance of a Qualified interpreter before placing an individual who is deaf or hard of hearing under arrest; however, the Department Member may take the individual into custody pending the arrival of the Qualified interpreter. As a courtesy, the Department Member should advise the individual of the anticipated wait for a Qualified interpreter and offer the individual to choose an alternative method of communication, if the wait will exceed one hour.

335.13.1 FIELD RESOURCES

Examples of methods 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.

(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.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

Department Members should never assume effective communication is being achieved. In the absence of a Qualified interpreter, for instance, Department Members should confirm the person fully comprehends the communication by having them follow commands or having the person repeat what is being said in their own words, before proceeding.

335.13.2 QUALIFIED INTERPRETER REQUIRED FOR VICTIMS AND WITNESSES

A Department Member shall 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)). A Department Member shall also provide other appropriate auxiliary aids and services, if requested.

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335.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has executed a written waiver of the use of a Qualified interpreter after the Department Members provide the individual with an opportunity to make a choice using Appendix 1. Once a suspect has requested a Qualified interpreter pursuant to Section 370.5 and Appendix 1, no other questioning, interviews, or interrogations will be conducted without a Qualified interpreter present unless an imminent threat or exigent circumstance requires an attempt at communication. The use of a video remote interpreting service should be considered, where appropriate, if a live Qualified interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a Qualified interpreter or, if the suspect declines a Qualified interpreter pursuant to the procedures set forth in Sections 370.5 and 370.14.1, 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 shall be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.14.1 WAIVER

After the procedure set forth in 370.5 and Appendix 1 has been followed, and the person who is deaf or hard of hearing declines an interpreter, 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 written waiver, *Miranda* warnings must be given by a Qualified interpreter prior to any attempt to interrogate or take a statement from the person (CRS § 13-90-204(1)(d)).

335.15 ARRESTS AND BOOKING

If an individual who is deaf or hard of hearing is arrested, the arresting Department Member shall use Appendix 1 to determine whether the individual prefers the services of a Qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she does not want a Qualified interpreter by indicating "No" using Appendix 1, prefers a different auxiliary aid or service, and executes a written waiver.

When gathering information during the booking process, Department Members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing. 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. If at the time of arrest, the deaf or hard of hearing individual selects an interpreter using the procedure in 370.5 and Appendix 1, Department Members shall seek the assistance of a Qualified interpreter for the booking and medical screening 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.

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335.16 COMPLAINTS

The Department shall ensure that individuals who are deaf or hard of hearing who wish to file a complaint regarding Department Members are able to do so. The Department will offer and provide a Qualified interpreter if requested pursuant to the procedure set forth in 370.5 and Appendix 1. The ADA Coordinator shall be notified of all complaints made by individuals who are deaf or hard of hearing. Deaf and hard of hearing individuals who have requested an interpreter and who have demonstrated an inability to read and write effectively shall not be required to complete written grievance forms in order to perfect administrative grievance procedures.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. All such complaints shall be documented, whether classified as Formal, Informal or Incomplete. Qualified interpreters used during the investigation of a complaint should not be Department Members.

335.17 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 to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

335.18 TRAINING

To ensure that all Department Members who may have contact with individuals who are deaf or hard of hearing are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing Qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new Department Members receive training related to interacting with individuals who are deaf or hard of hearing. 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 Department Member's training file in accordance with established records retention schedules.

335.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf or hard of hearing. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

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(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY, TDD, or videophone calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY, TDD, or videophone calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center Department Members who may have contact with individuals from the public who are deaf or hard of hearing. Refresher training should occur periodically thereafter, on a schedule as determined by the Dispatch Manager.

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School Employee Arrest Reporting

336.1 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.

336.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse or sexual abuse, the Chief of Police or the authorized designee should report the arrest as follows:

- Public school teacher - Notify the superintendent of the school district employing the teacher by telephone and give written notice of the arrest to the superintendent of schools in the county where the person is employed.
- Public school non-teacher employee - Notify the superintendent of the school district employing the non-teacher by telephone; may give written notice of the arrest to the governing board of the school district employing the person.
- Private school or licensed day-care teacher - Notify the private school or licensed day-care authority employing the teacher by telephone; may give written notice of the arrest to the private school authority employing the teacher.
- Private school or licensed day-care non-teacher employee - May notify the private school or licensed day-care authority employing the non-teacher by telephone; may give written notice of the arrest to the private school authority employing the person.

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Pupil Arrest Reporting

337.1 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.

337.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested on school grounds and during school hours, the arresting officer shall notify the chief administrative officer of the school or the appropriate designee of the arrest of a pupil. If the arrest involved alcohol or a controlled substance, the arresting officer shall explain such to the school's chief administrative officer or appropriate designee to ensure the chemical abuse pre-assessment team of the school is aware of the arrest, as allowed by law.

337.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

337.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

337.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

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Biological Samples

338.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

Under normal circumstances, as part of the booking process, the Pueblo County Detention Center will collect biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. While it is the policy of the Pueblo Police Department to comply with all state laws governing the collection of biological samples, regardless of the circumstances, the Department will normally limit its scope of biological sample collection to that required for investigative purposes.

338.2 POLICY

The Pueblo Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

338.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (CRS § 16-23-103; CRS § 16-11-102.4):

(a) Every adult arrested for a felony offense, as part of the booking process, or who is charged with a felony by an indictment, information or felony complaint

(b) In all other cases, upon the adult's first appearance in court following the filing of charges, when a court requires the adult to submit a sample to the investigating agency responsible for fingerprinting pursuant to CRS § 16-21-104

(c) Persons who have been convicted and are required to submit a sample under CRS § 16-11-102.4

338.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

338.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to CRS § 16-23-103 or CRS § 16-11-102.4.

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(b) Verify that a biological sample has not been previously collected from the offender by querying the person's criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Colorado Bureau of Investigation (CBI) to perform the collection and take steps to avoid cross contamination.

338.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if available.

The supervisor shall review and approve any plan to use force and be present to document the process.

338.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

338.6 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

338.6.1 LITIGATION

The Chief of Police or the authorized designee shall immediately notify the Colorado Attorney General's Office in the event this department is named in a lawsuit involving the DNA database.

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338.6.2 FORWARDING BIOLOGICAL SAMPLES

All biological samples and related materials shall be promptly forwarded to CBI using CBI material, labels and instructions for prompt analysis (CRS § 16-23-103(6); CRS § 16-23-104).

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Pueblo Law Enforcement Chaplain Corps

339.1 PURPOSE AND SCOPE

The Pueblo Law Enforcement Chaplain Corps is established for the purposes of providing spiritual and emotional support to all members of the Department and their families.

339.2 POLICY

It is the policy of this department that the Chaplain Corps shall be a nondenominational ministry provided by volunteer clergy without financial compensation.

339.3 GOALS

Members of the Chaplain Corps shall fulfill the program's purpose:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

339.4 REQUIREMENTS

Candidates for the Chaplain Corps shall meet the following requirements before formally being designated as a law enforcement chaplain:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage his/her household, family and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience or leadership service within a recognized faith community.

(e) Possess a valid driver's license.

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339.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from his/her faith's community elders, board or council.

(c) Successfully complete an appropriate level background investigation.

(d) Interview with the Lead Chaplain and any other members of the chain of command as designated by the Chief of Police.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

339.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable Department policies. The duties of a chaplain include, but are not limited to:

(a) Assisting in making notification to families of Department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating in, when requested, funerals of active or retired members of the Department.

(e) Assisting other personnel in the diffusion of a conflict or incident when requested by on-scene staff.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(g) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of department personnel.

(h) Providing spiritual and emotional support to department personnel with personal problems, when requested.

(i) Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Being responsible for the organization and development of spiritual organizations in the Department.

(k) Responding to all major disasters, such as floods, bombings and similar critical incidents.

(l) Providing liaison with various religious leaders of the community.

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(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(n) Participating in in-service training classes.

(o) Being willing to train to enhance effectiveness.

(p) Promptly facilitating requests for representatives or leaders of various denominations.

(q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any services or any subsequent actions or follow-up that was provided while on-duty as a chaplain for the Pueblo Police Department.

339.7 CLERGY-COMMUNICANT CONFIDENTIALITY

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-communicant privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-communicant privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Pueblo Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

339.8 COMMAND STRUCTURE

(a) Chaplain volunteers shall report to the Chief of Police or the authorized designee and then to the Lead Chaplain.

(b) The Chief of Police or the authorized designee shall designate one member of the Chaplain Corps as the Lead Chaplain, and shall make all appointments to the Chaplain Corps.

(c) The Lead Chaplain will arrange for regular monthly meetings, act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Corps, coordinate activities that may concern the members of the Chaplain Corps and arrange for training classes for chaplains.

(d) If the Department assigns or employs a volunteer coordinator, that individual will be responsible for assisting the Chief of Police or the authorized designee in all matters related to volunteer chaplain background investigations, training, and timekeeping as needed.

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339.9 OPERATIONAL GUIDELINES

(a) Chaplains will be designated to be on call certain days each month as scheduled by the Lead Chaplain.

(b) Generally, each chaplain will serve with Pueblo Police Department personnel a minimum of eight hours per month.

(c) Chaplains must turn in a time sheet to the Lead Chaplain at the end of every month.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Pueblo Police Department operations, provided the Watch Commander has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of employees.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(h) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private; each chaplain will exercise appropriate security measures to prevent distribution of the data.

339.9.1 UNIFORMS AND BADGES

A distinct uniform, identification and the necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of this department.

339.10 TRAINING

The Department will provide training to the members of the Chaplain Corps relevant to their duties and responsibilities.

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Remote Camera Technology

340.1 PURPOSE AND SCOPE

The Pueblo Police Department makes use of remote camera technology for the general purpose of creating a safer environment for all those who live, work and visit the City. This policy provides guidelines for the operation of the cameras and for the storage of captured images.

340.2 POLICY

Cameras may be placed in strategic locations throughout the City at the direction or with the approval of the Chief of Police or his/her designee. These cameras may be used for, but are not limited to, conducting surveillance, planning tactical field operations, collecting intelligence and monitoring suspects and/or persons of interest in criminal cases. Cameras deployed in the field by the Department will be used for covert operations only.

340.3 PROCEDURE

The following procedures have been established for the effective operation of remote camera technology.

340.3.1 MONITORING

Images from each camera will be recorded while in use. These images will be transmitted via the Internet and will be password protected. The personnel conducting the investigations are authorized to adjust the cameras to more effectively view a particular area for any legitimate investigatory purpose.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and the monitoring of the activities of suspects and/or persons of interest in criminal cases. In addition, the cameras may be useful for the following purposes:

(a) To assist in identifying, apprehending and prosecuting offenders

(b) To assist in gathering evidence for criminal court actions

(c) To monitor high-value targets as part of proactive law enforcement operations

(d) To gather intelligence

340.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and continuously supervised.

340.3.3 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The cameras will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights.

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Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

340.3.4 CAMERA MARKINGS
All cameras used for covert operations shall be inconspicuously marked to avoid detection.

340.4 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons.

Any recordings needed as evidence in a criminal proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

340.5 REVIEW OR RELEASE OF VIDEO IMAGES

Video images of evidentiary value in criminal procedings shall only be reviewed and released in accordance with standard procedures for handling evidence.

340.5.1 PUBLIC AND OTHER AGENCY REQUESTS
Videos collected for purposes of investigating crime are not public records (CRS § 24-72-202(6)(b)(I)). Videos collected for purposes of investigating crimes are criminal justice records (CRS § 24-72-303(4)). These videos are not "official actions" as defined by the Colorado Criminal Justice Records Act, CRS § 24-72-302(7). Therefore, the Pueblo Police Department has discretion to release or not release these records, except as otherwise provided by law, after considering the criteria set forth in the Criminal Justice Records Act, including but not limited to the City's need to keep the information confidential, how sensitive or personal the information is, the need to protect witnesses and informants, whether release would jeopardize a criminal investigation, the need to protect persons from humiliation, whether release would be contrary to the public interest, whether juveniles are involved, whether the video involves a sexual assault, and the legitimate need of any individual requesting the records to obtain the same.

All requests for recorded video images shall be directed to the Services Bureau Chief. The release of recorded video images to outside law enforcement agencies shall be left to the discretion of the Services Bureau Chief. Requests for recorded video images from the public by the submission of a court order or subpoena shall be researched by the Services Bureau Chief, who shall submit the results through the Chief of Police to the City Law Department for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the City Law Department.

340.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Chief of Police or the authorized designee will conduct an annual review of the operation of the remote camera technology, including an inspection of the physical equipment. The annual review will include an inventory of video monitoring installations, dates of deployment, summary of the purpose, adherence to this policy and any proposed policy changes. Any concerns or deviations from this policy will be addressed promptly and effectively.

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Child and Dependent Adult Safety

341.1 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 Adult Abuse Policy.

341.2 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 Pueblo Police Department 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.

341.3 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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341.3.1 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. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) 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.

    1. 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.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Human Services, if appropriate.

(e) 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.

341.3.2 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.

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341.3.3 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. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(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

341.3.4 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.

341.4 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 contact 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, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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Service Animals

342.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Pueblo Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

342.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

Service animals also include assistance dogs that are in the process of being trained and are accompanied by a trainer (CRS § 24-34-803).

342.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items, or follow daily routines.

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342.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Pueblo Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteers

343.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

343.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

343.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Pueblo Police Department volunteer include:

(a) At least 18 years of age for all positions other than Explorer.

(b) At least 14 years of age for Explorer.

(c) A valid driver's license if the position requires vehicle operation.

(d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a law enforcement officer.

(f) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.

(g) No condition of mental health disorder or chemical dependency that may adversely affect the person's ability to serve in the position.

(h) Physical requirements reasonably appropriate to the assignment.

(i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

343.2 VOLUNTEER MANAGEMENT

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343.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or the 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) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers

(e) Maintaining a record of volunteer schedules and work hours

(f) Completion and dissemination as appropriate of all necessary paperwork and information

(g) Planning periodic recognition events

(h) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering

343.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff 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.

343.2.3 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) Traffic and criminal background check

(b) Employment

(c) References

A truth verification exam may be required of each applicant depending on the type of assignment.

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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 prints and clearance through the Colorado Bureau of Investigation.

343.2.4 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 Department, 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 Department. All volunteers shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

343.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, 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.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct, general regulations, policies, procedures, orders and directives governing employees, either oral or written, issued by the Pueblo Police Department and the City of Pueblo. Whenever a rule, regulation or guideline refers to a certified officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

343.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

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

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(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

343.2.7 DRESS CODE

As representatives of the Department, 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 department property at the termination of service.

343.2.8 MINIMUM PARTICIPATION

Volunteers serving in the volunteer program must participate a minimum of eight hours per month in order to maintain an active status in the program. In the event that a volunteer does not meet the minimum hours, discretion shall be exercised by the Volunteer Coordinator as to whether the volunteer should be retained.

343.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department 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. Do not hesitate to give them an assignment or task that will tap these valuable resources.

343.4 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

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supervisor, the duties of the position or department 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 department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement (included in Volunteer Service Agreement) before being given an assignment with the Department. 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 Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

343.5 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 Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service, including identification cards.

343.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) A driving safety briefing

(b) Verification that the volunteer possesses a valid driver's license

(c) Verification that the volunteer carries current vehicle insurance (when using a personally owned vehicle)

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and driver's license verification at least once a year. The Volunteer Coordinator should conduct insurance verifications on volunteers who use their personally-owned vehicles at the same interval.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers shall not operate a marked patrol car unless it is being operated during an approved skills course off of public roadways. Volunteers are not authorized to operate a marked patrol car for enforcement activities, but shall use a vehicle specifically marked and designated as a volunteer vehicle.

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343.5.2 RADIO AND MDT USAGE
Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

343.6 DISCIPLINARY PROCEDURES/TERMINATION
A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Should the Volunteer Coordinator feel a volunteer needs to be removed from the volunteer program, he/she shall submit his/her recommendations to the Chief of Police via the chain of command for approval to remove the volunteer. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

343.6.1 EXIT INTERVIEWS
Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should be conducted by the Volunteer Coordinator, who 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 Department.

343.7 EVALUATION
An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular 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.

343.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL
The Volunteer Coordinator shall establish and maintain a list of volunteers available for call-out in emergency situations.

343.9 FIREARMS PROHIBITED
No volunteer shall be in the possession of a firearm while serving in the volunteer program.

343.10 VOLUNTEERISM BY DEPARTMENT PERSONNEL
Officers desiring to volunteer their time in a police capacity while off-duty for charitable and/or nonprofit functions shall obtain prior approval from the Chief of Police or his/her designee. Officers shall submit a memorandum through the chain of command to the Chief of Police, describing the duties and responsibilities of the position for which approval is sought.

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Officers volunteering their time in a police capacity for charitable and/or nonprofit functions are subject to the policies and procedures of this department.

343.11 STUDENT INTERN PROGRAM

It shall be the policy of the Pueblo Police Department to sponsor a Student Intern Program. The goal of the program shall be to provide undergraduate and graduate students who are considering a career in the law enforcement field with a structured program which will enable the student to acquire skills and knowledge useful for employment in a criminal justice agency, while providing services of benefit to the City. The Student Intern Program shall be open to any and all regional, accredited institutions of higher learning, and coordinated through the Training Section.

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Native American Graves Protection and Repatriation

344.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

344.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

344.2 POLICY

It is the policy of the Pueblo Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

344.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4; CRS § 24-80-1302):

- When appropriate, the Coroner.
- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture.
- State land - Appropriate Colorado land management agency.
- Tribal land - Responsible Indian tribal official.

344.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Off-Duty Law Enforcement Actions

345.1 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 officers of the Pueblo Police Department with respect to taking law enforcement action while off-duty. This policy is for internal use only and is not intended to create any duty to third-parties on behalf of the Department or form the basis for any civil or criminal liability. It is intended that violations of this policy may only form the basis for administrative actions by the Department.

345.2 POLICY

Officers of the Pueblo Police Department have neither a duty nor a responsibility to take any off-duty enforcement action. The Pueblo Police Department places no obligations or expectations on officers to take off-duty enforcement actions. The decision of an officer to take off-duty enforcement action is solely at his/her discretion.

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any certified member of this department 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.

345.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and Department policy. When carrying firearms while off-duty, officers shall also carry their department-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 has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment. The carrying of firearms is prohibited while under the influence of alcohol or a controlled substance (CRS § 18-12-106(d)).

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345.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, 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) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(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, instead of immediately intervening.

345.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Pueblo Police Department officer until acknowledged. Official identification should also be displayed.

345.4.2 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 agency to handle the matter.

345.4.3 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.

345.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

345.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction

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of the Pueblo Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency 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 agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Incident Command System

346.1 PURPOSE AND SCOPE

In the event of any critical incident, man-made or natural disaster, or other emergency situation for which the Pueblo Police Department has not developed specific emergency operations plans, or during responses to incidents in which use of the Incident Command System is federally mandated, the Pueblo Police Department shall implement the Incident Command System, in compliance with the National Incident Management System (NIMS), to aid in the safeguarding of life and property by making maximum use of available manpower and resources, either public or private.

346.2 INCIDENT COMMAND SYSTEM POLICY

The Incident Command System has been adopted by a variety of emergency service organizations at the Federal, State, and local levels nationally, and federal law requires that the Incident Command System be used in managing specific types of incidents, such as hazardous material emergencies. The Incident Command System, as established by NIMS, is the foundation for all-risk emergency planning and response, and provides for common elements in organization, terminology, and procedures. The Incident Command System includes the following concepts, principles, and structures:

(a) Unity of command

(b) Modular organization

(c) Consolidated action plan

(d) Common terminology

(e) Unified command

(f) Effective span of control

(g) Designated incident facilities

346.3 USE OF THE INCIDENT COMMAND SYSTEM

Federal law requires the use of the Incident Command System for response to hazardous material (HazMat) incidents and as part of the National Incident Management System (NIMS). Any other large-scale incident that requires the coordination of different agencies and resources under a formalized management structure shall necessitate the use of the Incident Command System. Unless otherwise mandated by the Federal Government, the Pueblo Police Department may implement the Incident Command System in the following situations:

(a) HazMat incidents

(b) Planned events

(c) Natural and man-made disasters

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(d) Single and multi-agency law enforcement incidents

(e) Fires

(f) Mass causalities

(g) VIP protection

(h) Explosives removal

(i) Methamphetamine lab response

(j) Civil disorders

(k) Civil Defense emergencies

346.4 INCIDENT COMMAND SYSTEM PROCEDURES

The Incident Command System structure develops from the "first in unit" at any incident and is based on the incident's management needs. In small-scale incidents, all of the components may be managed by one person, the Incident Commander.

There are five functional elements of incident command: command, operations, logistics, planning and finance/administration. A sixth area, intelligence, may be established if required.

The command function is always established. The Incident Commander's initial tasks are to:

(a) Size up the incident

(b) Identify contingencies

(c) Determine response objectives

(d) Identify needed resources

(e) Build a plan and organizational structure

(f) Take action

The specific Incident Command System organizational structure for any incident is based on the incident's management needs. A modular organization can expand or contract, depending on the magnitude of the incident or operational necessity.

The Command Post is the location from which all incident operations are directed. There is only one command post. The command post is the location from which direction, control, coordination, and resource management are exerted over the incident. Unless the circumstances of the incident make it impractical to house all of these persons in a single location (which would therefore necessitate separate areas clearly designated for the specific purpose), the command post ideally houses the following:

(a) Incident Commander

(b) Planning Function

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(c) Communications

(d) All agency representatives

Functional elements of the Incident Command System:

(a) Incident Commander

(b) Information

(c) Safety

(d) Liaison

(e) Operations

(f) Planning

(g) Logistics

(h) Finance/Administration

Unity of Command - The Incident Command System establishes lines of supervisory authority and formal reporting relationships. There is complete unity of command as each position and person within the system has a designated supervisor. Direction and supervision follow established organizational lines at all times.

Unified Command - Unified command is shared responsibility for overall incident management as a result of a multi-jurisdictional or multi-agency/single jurisdictional incident. In the event of conflicting priorities or goals, or where resources are scarce, there must be a clear line of authority for decision-making. Individuals representing involved agencies or jurisdictions share command responsibility.

Written action plans may be required when:

(a) Resources from multiple agencies are used.

(b) Several jurisdictions are involved.

(c) Personnel and/or equipment are changed.

(d) In prolonged incidents, it may be necessary to develop action plans covering specific operational periods.

Span of Control - Span of Control is defined as the number of subordinates one supervisor can manage effectively. Guidelines for the desirable span of control recommend from three to seven persons. The optimum number of subordinates is five per supervisor.

Procedures for operation of the Incident Command System shall be based upon the National Incident Management System, U.S. Department of Homeland Security. An electronic copy of the National Incident Management System will be maintained on the Pueblo Police Department Intranet site for reference by department members.

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346.5 INCIDENT COMMAND SYSTEM TRAINING

Incident Command System training shall be provided in the Pueblo Police Department Law Enforcement Academy and in annual in-service training sessions. The Department will participate with other agencies in annual, multi-agency exercises. All such training shall be documented.

346.6 INCIDENT COMMAND SYSTEM EVALUATION

Any incidents that require more than normally scheduled resources, or that require the activation of the SWAT or HazMat teams, or that require written advance plans shall have after-action reports.

The Operations Bureau Chief shall document an analysis of incidents and training effectiveness every three years, at a minimum.

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Special Events

347.1 PURPOSE AND SCOPE

The City of Pueblo hosts several special events on an annual basis. The special events are generally large and result in a significant increase in population and traffic in concentrated areas. Special events may include, but are not limited to, civil demonstrations, civic, social and business events, public displays, parades, dignitary visits and sporting events. The purpose of this policy is to establish procedures for advance planning for special events.

347.2 POLICY

At times the Department is aware of special events ahead of time, and in other instances the events are more spontaneous. It is the policy of the Pueblo Police Department to plan for special events whenever possible in order to be prepared to provide adequate law enforcement services.

347.3 SPECIAL EVENT PROCEDURES

In instances where the Department is made aware of special events in advance, the procedures set forth in the subsections below shall be followed.

347.3.1 SPECIAL EVENT SUPERVISION AND COORDINATION

A Bureau Chief will be assigned as a liaison and may appoint a captain, or if appropriate the Traffic Sergeant, to be the overall Incident Commander of any special event detail.

347.3.2 CROWD CONTROL AND CRIME PROBLEMS

A written estimate will be completed to include projections of traffic, crowd size, and expected crime problems. These estimates will be used to make personnel and equipment allocation decisions for controlling movement in the area. The Department will provide for crowd control by the use of foot, motorcycle and marked patrol car. Department personnel may be mobile or at a stationary post.

For parades, the Traffic Sergeant will receive a “Parade Permit” from the event organizers, ensure the permit fee has been paid, and project manpower costs to accommodate the needs of the parade. Officers on parade duty will wear a parade hat.

347.3.3 TRAFFIC DIRECTION AND CONTROL

The Pueblo Police Department will assist all cooperating entities in coordinating the traffic movement based on anticipated attendance, location and time.

When applicable, traffic direction will be carefully planned to allow for normal and emergency activities to continue with a minimal amount of disruption. Secondary streets will be used to their maximum potential to ensure continued and uninterrupted traffic flow on primary streets and roads. This may include eliminating or restricting parking on primary and secondary roadways. Department personnel may be assigned to key areas to assist with parking restrictions.

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Emergency services (e.g., fire, law enforcement and ambulance) will be provided unrestricted access from at least one direction.

347.3.4 USE OF SWAT TEAM

Use of the SWAT Team will be considered and utilized as circumstances dictate. The Tactical Commander or his/her designee will determine what SWAT Team personnel are needed to effectively and efficiently oversee the special event.

The Tactical Commander should meet with any outside committees and other involved government entities to coordinate plans and exchange information.

347.3.5 LOGISTICAL REQUIREMENTS

Logistical requirements will be included in special event plans. Logistical requirements may include the number of barricades needed and barricade positioning, fixed post assignments, and any other relevant considerations that will assist in a smooth and effective operation.

347.3.6 COORDINATION WITH OUTSIDE AGENCIES

To the extent that a special event affects one or more outside agencies, the Department's special event planning shall include communication and coordination with the affected outside agencies. Additionally, the Department's documented special event plan shall include identification of, and contact information for, representatives of outside agencies. Area agencies include, but are not limited to, the following:

(a) Pueblo County Sheriff's Office

(b) Colorado State Patrol

(c) Colorado Department of Corrections

(d) Pueblo Community College Department of Public Safety

347.3.7 PUBLIC INFORMATION OFFICER

Planning for special events should include coordination with the Public Information Officer (PIO). Coordination with the PIO will ensure that the PIO is fully informed of the special event plan, allow the PIO time to release any required advance public notices, and prepare the PIO for any potential media inquiries.

347.3.8 DOCUMENTATION

The "Pueblo Police Department Special Event Plan" form (PPD #289) shall be used to document special event plans.

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Executive Protection

348.1 PURPOSE AND SCOPE

The Pueblo Police Department, when requested, shall coordinate VIP security with outside agencies whose primary duty is the protection and security of VIPs. For the purpose of this directive, a "Very Important Person" (VIP) shall be defined as a dignitary, famous personality, notorious person, or any other notable person in need of special security.

348.2 EXECUTIVE PROTECTION PROCEDURES

In the event of a VIP either visiting or staying overnight in the City of Pueblo, the following provisions and considerations shall be addressed prior to their arrival:

(a) The Tactical Commander shall be the supervisor and coordinator of any such security detail. If the Tactical Commander is unavailable, an Incident Commander shall be designated by the Chief of Police.

(b) Local, state and federal intelligence agencies shall be consulted regarding known or suspected personalities residing in the City of Pueblo who might pose a threat to the VIP.

(c) Other law enforcement agencies that could be affected by the VIP visit shall be consulted in reference to the VIP itinerary.

(d) Primary and alternate motorcade travel routes within the City of Pueblo shall be established.

(e) Building sites as well as concealment sites along motorcade routes shall be inspected.

(f) The Pueblo Fire Department and emergency medical providers shall be alerted of impending VIP visits in preparation of the potential need for emergency medical treatment.

(g) The Tactical Commander shall make a determination if a Special Weapons and Tactics deployment is necessary for tactical considerations such as counter-sniper operations.

(h) All department personnel assigned to VIP escort duty shall be equipped with portable radios and body armor. Body armor shall also be available to the VIP, if necessary.

(i) Methods of identifying non-uniformed escort personnel shall be established with other participating agencies.

(j) Armored or other special vehicle requirements shall be coordinated with the VIP escort agency in sufficient time prior to VIP arrival, if a need exists.

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Covert Operations

349.1 PURPOSE AND SCOPE

The Pueblo Police Department recognizes that covert operations, including surveillance, undercover, decoy and raid operations, are valuable tools and are often the only investigative technique available to identify the clandestine sources, couriers and recipients of narcotics, stolen goods or contraband; locations of vice activity; and the co-defendants and co-conspirators in criminal activity. It shall therefore be the policy of the Pueblo Police Department to conduct or participate in such operations in a controlled and professional manner to maximize the level of safety of the involved personnel, and to ensure the balance between the Department's need to protect the citizens of Pueblo and the public's right to privacy.

349.2 POLICY

All covert operations, including surveillance, undercover, decoy and raid operations, shall be coordinated through the Special Investigation Division. The Special Investigation Division shall establish and maintain procedures for conducting or participating in covert operations.

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Department Use of Social Media

350.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

350.1.1 DEFINITIONS

Definitions related to this policy include:

Blog - A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page - The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post - Content an individual shares on a social media site or the act of publishing content on a site.

Profile - Information that a user provides about himself or herself on a social networking site.

Social media - A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, microblogging sites, photo- and video sharing sites, wikis, blogs and news sites.

Social networks - Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Wiki - Web page(s) that can be edited collaboratively.

350.2 POLICY

The Pueblo Police Department endorses the secure use of social media to enhance communication, collaboration and information exchange with the community. This policy establishes the Department's position on the utility and management of department social media and provides guidance on its management, administration and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

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The Pueblo Police Department may use social media as a method of effectively informing the public about department services, issues, problem-solving, crime prevention, investigations and other relevant events. Other potential uses may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

350.3 AUTHORIZED PAGES

All department social media sites or pages shall be approved by the Chief of Police.

Where possible, social media pages should clearly indicate they are maintained by the Department and should have department contact information prominently displayed. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department. Pages should clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments and personal attacks. Pages should clearly indicate that any content posted or submitted for posting is subject to public disclosure.

350.4 DEPARTMENT-SANCTIONED USE

Members representing the Department via social media outlets shall do the following:

(a) Conduct themselves at all times as representatives of the Department, and accordingly, shall adhere to all department standards of conduct, observe conventionally accepted protocols and proper decorum, and otherwise not engage in any activity or present themselves in such a manner that would bring discredit upon themselves or the Department.

(b) Identify themselves as a member of the Department.

(c) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.

(d) Not conduct political activities or private business.

(e) Observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

350.5 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Members who are not authorized to utilize social media on behalf of the Department, but wish to have information or content posted on a department social media outlet, should make a request to an authorized user. The request should contain all of the specific information or content the member wishes to be posted (including documents

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and photographs), the specific social media outlets the department member wishes to use, etc. Requests are subject to the approval of the authorized user.

Authorized users shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media. The use of personally-owned devices to manage the Department's social media activities is prohibited without express written permission.

350.6 AUTHORIZED CONTENT

All social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies. Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

350.7 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Pueblo Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

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(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on a department social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor.

350.8 RETENTION OF RECORDS

Social media content is subject to public records laws, and relevant records retention schedules apply to social media content. Therefore, department social media content must be managed, stored and retrieved to comply with open records laws and e-discovery laws and policies.

350.9 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Criminal Process

351.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the Pueblo Police Department's responsibility for executing criminal process.

351.2 POLICY

It is the policy of the Pueblo Police Department to ensure sufficiency of information, accuracy, timeliness, accessibility and fiscal accountability in the execution of criminal process in support of the judicial function. For the purposes of this policy, criminal process is defined as those writs, summonses, mandates, warrants or other process issuing from a court of law compelling a person to answer for a crime. The term also includes process issued to aid in crime detection or suppression, such as search warrants.

351.3 ARREST WARRANTS

Officers shall arrest persons within the City of Pueblo against whom criminal process for that purpose has been issued, from any competent court authority commanding such person to be taken into custody, subject to the limitations of the criminal process and the limitations on arrest set forth in the Policy Manual. Only sworn law enforcement officers may execute arrest warrants.

An officer shall not execute an arrest warrant outside of the jurisdictional limits of the Pueblo Police Department unless he/she has obtained his/her supervisor’s approval. Except in cases of fresh pursuit, an officer shall not execute an arrest warrant outside of the City of Pueblo without the presence and assistance of a sworn law enforcement officer of the agency of primary jurisdiction who has authority to make arrests. Use of force during the execution of an arrest warrant is governed by the provisions set forth in the Use of Force Policy.

Refer to the Law Enforcement Authority Policy for additional guidance on the execution of arrest warrants.

351.4 SEARCH WARRANTS

Search warrants shall be executed in accordance with the provisions set forth in the Search and Seizure Policy.

351.5 CRIMINAL PROCESS DOCUMENTATION

The Pueblo Police Department will maintain a record on the execution or attempted execution of all criminal process. Officers attempting to execute criminal process shall document the following information via the Communications Center, which shall be entered and maintained in the Computer Aided Dispatch (CAD) System call information:

(a) Date and time of execution or attempted execution

(b) Name of officer(s) executing or attempting execution

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(c) Name of whom criminal process was executed or attempted

(d) Method of execution/reason for non-service

(e) Address of execution or attempted execution

Upon execution of criminal process, each of the following items shall be recorded, at a minimum:

(a) Date and time criminal process was received

(b) Nature of document (arrest warrant, search warrant, etc.)

(c) Source of document (NCIC, CCIC, Pueblo Municipal Court, etc.)

(d) Name of defendant

(e) Officer(s) assigned for service/arresting officer

(f) Date of assignment/execution

(g) Court docket number and/or case report number

(h) Date service is due (expiration date)

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Peer Support Team

352.1 PURPOSE AND SCOPE

The purpose of this policy is to define the mission of the PPD Peer Support Team (PST) and provide an overview of how it operates within the Pueblo Police Department.

Wellness of first responders is a core issue that must be recognized and confronted, not only to better care for members in need, but to improve both the Department and community. The PST seeks to reduce the long-term costs associated with counseling and care, as well as mitigate any negative perceptions that may be circulating in the media and the public following a critical incident.

The PST will assist the immediate family and loved ones of members who have been involved in a critical incident. The PST will remain accessible to the affected member's immediate family for questions and concerns about the mental health and wellbeing of the affected member.

352.2 MISSION

The PST has a duty to all members to offer confidential assistance and support in times of personal need or due to traumatic stress from the nature of their work. Research has shown that failure to address stress and trauma related to work can lead to behavioral health issues and disorders like PTSD, anxiety, depression, substance abuse and family relationship breakdown. The mission of the PST is to minimize the negative psychological impacts that are often inherent to the job, to foster self-help, and to promote wellness and recovery.

352.3 OVERVIEW

The PST will provide confidential, non-intrusive and peer level support to members for any reason. The team is designed to be used for all types of needs by members, whether they are on- or off-duty. The PST is available 24/7.

The PST will be optional and confidential for individuals seeking assistance. The team is not utilized as a punitive measure from supervision, nor will individuals be forced to speak to a peer supporter against their will. Peer supporters will provide assessments and referrals to appropriate levels and specific types of services, as needed by the individual. The team will provide overall support for individuals, not only those involved in a critical incident, and will allow normal coping mechanisms to take place.

352.4 DUTIES AND RESPONSIBILITIES

The PST is a collateral duty assignment.

Peer supporters are required to maintain confidentiality regarding peer support activities. CRS § 13-90-107 legally grants and protects the confidentiality of peer supporters. It stipulates that peer supporters cannot be examined without the consent of the person to whom they are providing peer support services, and that any communications between peer supporter and member are protected.

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Confidentiality may be broken in cases where there is a need to disclose information to protect the individual or others from an imminent threat (e.g., mandatory reporting in disclosures of child or elder abuse, drug/alcohol use such as being under the influence while on duty, etc.). In the case of being under the influence, the peer supporter will encourage the individual to self-disclose to his/her supervisor; however, if the individual is unwilling to do so, the peer supporter will break confidentiality and inform the appropriate supervisor.

352.5 COMMAND STRUCTURE

The PST is assigned to the Operations Bureau, where peer supporters will work in conjunction with the Pueblo Law Enforcement Chaplain Corps with daily operations being managed by the PST Supervisor(s) or his/her designee.

The PST Mental Health Advisor shall be a licensed, contracted mental health professional whose duties include serving in a clinical advisory role to the PST Supervisor(s).

352.6 PROCEDURES

PST members are available 24/7, regardless of whether the requesting person is on- or off-duty. An individual may contact a peer supporter from the established list located on the PPD intranet site. The PST Supervisor may have a team member reach out to a member. Upon speaking with a member, a peer supporter may also suggest the individual contact another peer supporter without breaking confidentiality if he/she believes there to be better understanding of the issue being brought to light.

If the individual requests outside resources such as behavior health or medical plan providers, the peer supporter will provide all information available to him/her. Additionally, peer supporters may suggest an individual seek out such resources if deemed appropriate for the issue(s) being brought forward.

Receiving peer support will not protect any employee from any administrative or criminal consequences of his/her actions. Supervisors may not deny a request by an employee for peer support contact.

Appropriate, non-confidential information will be tracked, such as number of contacts made, training and objectives for the PST, and accomplishments of the team.

352.6.1 OPERATIONAL

Call-out procedure

- Critical Incident (i.e., officer-involved fatal use of force or officer injury)
    - PST will be notified by the Communications Center through a designated on-call list.
    - The PST will be responsible for the following during a critical incident, with the timetable determined on a case-by-case basis
        - Immediate officer needs

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        - Family needs
        - Provide information on available resources (e.g., psychological/emotional first aid, Employee Assistance Program and other external resources, PST contact numbers, social media deactivation, etc.). Resource material will be made available to all personnel via the intranet or designated locations at the Pueblo Police Department.
        - Follow-up
- Non-Critical Incident (e.g., family, substance abuse, financial, etc.)
    - Initiation in non-critical incidents can be done as follows:
        - Self-initiated
        - PST-initiated
        - Colleague-initiated
    - Non-critical incidents can result from on-duty or off-duty incidents.

352.7 SELECTION PROCESS

Certified officers or communications center personnel interested in the PST must a non-probationary employee with the Pueblo Police Department and be in regular employee status. No disciplinary action above a Letter of Reprimand within the two years prior to the date of application for the collateral duty assignment. The decision to serve as a peer supporter is strictly voluntary and shall not be mandated by any other person.

A memorandum of interest, a sick day use report for the last year and a letter of recommendation from the applicant's immediate supervisor (not to exclude additional recommendations beyond the immediate supervisor) must be provided by interested personnel. An interview process in front of a board of peer support personnel will be completed for applicants and a weighted system used to choose the best candidate. Final decision of an applicant being assigned to the PST will be made by the PST Supervisor(s) with input and guidance from the Peer Support Mental Health Advisor.

The PST will make every effort to include as many roles and ranks into the team; however, the PST Coordinator has the right to reject a potential PST member with the appropriate reasoning. Additionally, peer supporters who are not committed to the mission and goals of the PST are subject to removal from the team.

352.8 TRAINING

All peer supporters will be required to attend a comprehensive orientation training that includes basic psychology first aid, understanding health and substance use disorders, and early recognition of stress in the workplace. Peer supporters will be trained in specific counseling and communication skills to best provide first line contact to distressed or troubled individuals. Training will emphasize a thorough understanding of the peer supporter's role, policies, operational procedures, guidelines and peer support intervention and resource referral. Training will also

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provide the skill needed to help an individual access the Employee Assistance Program, outside resources or behavior health providers in the City's medical plan.

Peer supporters will be required to attend quarterly training that could be intended to either reinforce the above topics or provide new information that is pertinent to the PST. Quarterly training will be scheduled by the PST Supervisor(s) with at least two weeks' notice, and could include discussion, training and guest speakers. Quarterly training is mandatory. Peer supporters not committed to mandatory trainings are subject to removal from the PST.

352.9 COMPENSATION

Recognizing that peer supporters are subject to being called outside of their normal working hours, they shall be paid call out rate (two hours minimum) when peer supporters respond to assist with the duties of the PST. Those hours will be verified by the PST Supervisor(s) and will only apply when called out to assist with PST duties.

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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 unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional quadrants of Pueblo, 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) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and 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 bureaus within the Department, as well as other government agencies.

(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) Traffic direction and control.

(j) Response to disasters, civic 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 the Pueblo Police Department 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

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terrorism related and should document such incidents with a written report, field interview module entry (FI record), or a Suspicious Activity Report (SAR).

The supervisor should ensure that all terrorism-related reports and FI records are forwarded to the Services Bureau Chief in a timely fashion.

The Services Bureau Chief should forward the information as soon as practicable to the OPS Colorado Information Analysis Center, or to the Federal Bureau of Investigation.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various bureaus of the Pueblo Police Department.

400.2.1 CRIME ANALYSIS UNIT

While all criminal information and reports will be submitted to the Records Section for storage, routing and distribution, the Crime Analysis Unit will be the central unit for information exchange. The Crime Analysis Unit will analyze the information submitted to the Records Section, translate such into usable data and distribute such to the appropriate areas of the Department for proactive crime fighting efforts.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate investigative area of the Department for review or follow-up investigation when appropriate.

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 at roll calls, as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the Briefing Room and will be available for review by officers from all bureaus within the Department. These may include, but are not limited to, clipboards containing quadrant-specific information, a clipboard containing wanted persons information and a clipboard containing current written directives.

400.3 SPECIAL EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades, dignitary visits and sporting events. At times the Department is aware of these events ahead of time, and in other instances the events are more spontaneous. In instances where the Department is not forewarned, 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.

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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.

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.

In instances where the Department is made aware of special events in advance, the procedures set forth in the Special Events Policy shall be followed.

400.4 FIRST RESPONDER NOTIFICATION STANDARDS

As first responders, patrol officers are typically the first members of the Department to discover emergency situations and/or arrive on scenes where emergencies are occurring or have just occurred. Because of this unique position, it is incumbent upon patrol officers to make appropriate notifications of other persons or agencies that share a responsibility for, possess resources for the proper response to, or have a professional interest in the various types of emergency situations. To that end, patrol officers shall make timely and efficient notifications when appropriate. Notification standards include, but are not limited to, the following:

(a) Officers shall notify their immediate supervisor of situations or circumstances of which the supervisor should be aware. Where not otherwise required by policy, patrol officers are expected to exercise good judgment when determining whether to notify a supervisor.

(b) Officers shall notify the (Pueblo Fire Department and/or ambulance service) of fire emergencies, hazardous materials emergencies, medical emergencies, etc.

(c) Officers shall notify emergency medical providers (ambulance services) when persons are in need of emergency medical care.

(d) Officers shall notify the Pueblo County Coroner’s Office of all human deaths in accordance with the Death Investigation Policy.

(e) Officers shall notify the Street Maintenance Division of the Pueblo Public Works Department and/or the Colorado Department of Transportation of all emergencies involving defects to the public roadways.

(f) Officers shall notify the Colorado State Patrol of all lane closures occurring on Interstate 25.

(g) Officers shall notify the Pueblo Regional Building Department of all emergencies involving defects to structures.

(h) Officers shall notify the appropriate utility companies of all emergencies involving public utilities.

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(i) Officers shall notify the Pueblo County Department of Social Services of all emergencies involving family crises, including whenever officers take custody of children.

So as not to duplicate notifications, and also to keep the Communications Center informed of current events, officers should make notifications to external persons or agencies via the Communications Center. Refer to the Major Incident Notification Policy for guidance on the internal notification of department personnel during major incidents.

400.5 BEAT PLAN

The City of Pueblo is divided into four distinct geographic areas, or quadrants, for purposes of officer assignment. This division is referred to as a beat plan.

The beat plan is structured to divide the City into two sectors. Sector I will generally include City areas north of the Arkansas River. Sector II will generally include City areas south of the Arkansas River. Each of these sectors will be divided into two beat quadrants. The beat plan is demonstrated graphically as follows:

See attachment: Beat Map.pdf

400.6 WORKLOAD ASSESSMENTS

The allocation of personnel to the Patrol Division, and distribution of personnel therein, shall be based upon an annual workload assessment. The workload assessment shall be completed by the Operations Bureau Deputy Chief, which shall be submitted to the Chief of Police upon request.

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Community Oriented Policing

401.1 PURPOSE AND SCOPE

It shall be the policy of the Pueblo Police Department to employ the tenets of Community Oriented Policing at all levels and areas of the Department, when practicable.

401.2 COMMUNITY ORIENTED POLICING DEFINED

Community Oriented Policing is defined as a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. The problem solving component of Community Oriented Policing is defined as the process of engaging in the proactive and systematic examination of identified problems to develop and rigorously evaluate effective responses. The following four steps make up the problem solving component of Community Oriented Policing:

(a) Scanning - Identifying and prioritizing problems.

(b) Analysis - Researching what is known about the problem.

(c) Response - Developing solutions to bring about lasting reductions in the number and extent of problems.

(d) Assessment - Evaluating the success of the responses.

Members of the Pueblo Police Department shall employ the tenets of Community Oriented Policing when practicable.

Literature on Community Oriented Policing from the United States Department of Justice will be maintained on the Pueblo Police Department Intranet site for reference.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Pueblo Police Department 's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (CRS § 24-31-309).

402.2 POLICY

The Pueblo Police Department 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, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of racial- or bias-based profiling to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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, precinct 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)).

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402.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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 contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITIES
Supervisors shall monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy. Supervisors should ensure that the identity of a person filing a bias-based profiling complaint is kept confidential to the extent permitted by law or unless necessary for further processing of the complaint (CRS § 24-31-309).

(a) Supervisors should discuss any issues with the involved officer in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review body-worn camera recordings, MAV recordings, MDT data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
    1. Recordings that capture a potential instance of bias-based policing 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 take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 STATE REPORTING
The Department shall compile, on at least an annual basis, any information derived from complaints of profiling that are received due to the distribution of business cards as provided in this policy. 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).

402.7 ADMINISTRATION
On an annual basis, the Operations Bureau Chief shall conduct a documented administrative review of department practices related to bias-based policing. The administrative review shall include the efforts of the Department to prevent the practice, citizen concerns, and any corrective measures taken. The administrative review should not contain any identifying information regarding any specific complaint, citizen or officers. The administrative review shall be submitted to

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the Chief of Police for review. The Chief of Police will identify any changes in training or operations that should be made to improve service.

402.8 TRAINING

All department members who serve in an enforcement capacity, including all P.O.S.T. certified members, shall attend annual training on the subject of bias-based policing (CRS § 24-31-309). The training shall include legal aspects of bias-based policing as well as a review of this policy. All newly employed department members who serve in an enforcement capacity shall receive a copy of this policy and initial training on the subject of bias-based policing, including legal aspects.

402.9 PUBLIC INFORMATION

The Operations Bureau Chief will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).

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Roll Call

403.1 PURPOSE AND SCOPE

Roll Call will be conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. The Watch Commander will conduct roll call. However, officers may conduct roll call for training purposes with Watch Commander approval.

Roll Call 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 Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

403.2 ROLL CALL TRAINING

In addition to information exchange and other purposes, Roll Call may be used to conduct training sessions. Roll call training should incorporate short training segments on a variety of subjects and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Reviewing recent incidents for training purposes.

403.3 PREPARATION OF MATERIALS

The Watch Commander conducting roll call and/or roll call training, or his/her designee, is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. The Watch Commander may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

403.4 RETENTION OF ROLL CALL TRAINING RECORDS

Roll call training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

404.2 POLICY

It is the policy of the Pueblo Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

404.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

404.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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404.4.1 EXECUTION OF HEALTH ORDERS

Any certified member of this department is authorized to execute and enforce all orders of the local health officer, which have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease.

404.5 SEARCHES

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 continue to pose a threat. Once 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 additional or alternate authority for the search is obtained, such as consent or a search warrant.

404.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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Tactical Services Group

405.1 PURPOSE AND SCOPE

The Tactical Services Group (TSG) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Tactical Services Group are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

405.1.2 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

405.1.3 CRISIS NEGOTIATION TEAM DEFINED

CNT - A designated unit of law enforcement officers that has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies. The purpose of the unit is to bring peaceful resolutions to conflicts that othewise pose increased potential for harm to the persons causing the conflicts as well as to others.

405.2 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

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It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

405.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the Tactical Commander or the authorized designee.

405.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Extrajurisdictional response

(i) Specialized functions and supporting resources

405.2.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to TSG members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.

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3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator should be defined.

(f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) The elements of post-incident scene management should include:

1. Documentation of the incident.

2. Transition to investigations and/or other units.

3. Debriefing after every deployment of the SWAT team.

(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.

(b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.

(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

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405.3 TRAINING NEEDS ASSESSMENT

The Services Bureau Chief and the Tactical Commander shall jointly conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

405.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

405.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete refresher training per current National Tactical Officers Association standards.

405.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the Department.

405.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the Tactical Commander to comply with current National Tactical Officers Association standards. The training exercises should include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a

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team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Semi-annually, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT basic drill for the handgun. Failure to qualify will require the officer to seek remedial training from a firearms instructor approved by the Tactical Commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Semi-annually, each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a firearms instructor approved by the Tactical Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

405.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

405.3.6 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.

405.3.7 TRAINING DOCUMENTATION

Individual training records shall be maintained by the Training Section in each member's individual training file. It shall be the responsibility of the Tactical Commander to provide the Training Section with documentation of all individual training. A separate agency SWAT training file shall be maintained by the Tactical Commander with documentation and records of all team training.

405.4 UNIFORMS, EQUIPMENT AND FIREARMS

405.4.1 UNIFORMS

The SWAT team 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.

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405.4.2 EQUIPMENT
The SWAT team should be adequately equipped to meet the specific mission identified by the Department.

405.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources shall be department-issued or approved, including any modifications, additions or attachments.

405.4.4 OPERATIONAL READINESS INSPECTION
The Tactical Commander shall perform an annual operational readiness inspection of all equipment under the control of the SWAT team and the CNT. The result of the inspections will be forwarded to the Services Bureau Chief. The inspection will include personal equipment issued to TSG members as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

405.5 MANAGEMENT/SUPERVISION OF TACTICAL SERVICES GROUP
The SWAT team and the CNT will be supervised by the Tactical Commander. The Tactical Commander shall be selected by the Chief of Police upon specific recommendation by the staff and the Services Bureau Chief.

The Tactical Commander's primary responsibility is to supervise the operations of the teams, to include deployment, training, first-line participation and other duties as directed by the Services Bureau Chief. The Tactical Commander shall report to, and work under the direction of, the Services Bureau Chief.

405.5.1 PRIMARY UNIT MANAGER
The Services Bureau Chief shall manage the TSG under the direction of the Chief of Police.

405.5.2 TEAM SUPERVISORS
The SWAT team and the CNT will each be supervised by sergeants who are members of their respective teams. The primary responsibility of the SWAT team sergeants and the CNT sergeants is to provide direct supervision of the personnel assigned to their respective teams in the carrying out of each team's operations. Both the SWAT team sergeants and the CNT sergeants will also be responsible for performing other duties as assigned and directed by the Tactical Commander.

405.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES
The following procedures serve as directives for the administrative operation of the CNT.

405.6.1 SELECTION OF PERSONNEL
Interested personnel with three years experience with the Pueblo Police Department as a certified officer shall follow the procedures set forth in the Specialized Assignment Transfers and Collateral Duty Assignments Policy to apply for the CNT when a vacancy is posted. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Services Bureau Chief, the

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Tactical Commander and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process

(c) Effective communication skills to ensure success as a negotiator

(d) Special skills, training or appropriate education as it pertains to the assignment

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

The oral board shall submit a list of successful applicants to the Chief of Police for final selection.

405.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the Tactical Commander.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the Tactical Commander.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the Tactical Commander. Performance and efficiency levels established by the Tactical Commander will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

405.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

405.7.1 SELECTION OF PERSONNEL

Interested personnel with three years experience with the Pueblo Police Department as a certified officer shall follow the procedures set forth in the Specialized Assignment Transfers and Collateral Duty Assignments Policy to apply for the SWAT team when a vacancy is posted. Qualifying applicants will then be invited to participate in the testing process. The testing process will consist of an oral board, physical agility test, firearms proficiency assessment and team evaluation.

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(a) Oral board: The oral board will consist of the Tactical Commander and other personnel selected by the Services Bureau Chief. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance
2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member
3. Special skills, training or appropriate education as it pertains to the assignment
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the Tactical Commander. A minimum level of proficiency must be demonstrated by the applicant to be considered for the position, using handgun, shotgun and rifle.

(c) Firearms proficiency assessment: Candidates will be invited to participate in the firearms proficiency assessment. A minimum qualifying score must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

A list of successful applicants shall be submitted to the Chief of Police by the Services Bureau Chief for final selection.

405.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the Tactical Commander. A minimum performance and efficiency level will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

405.8 OPERATIONAL GUIDELINES FOR TACTICAL SERVICES GROUP

The following procedures serve as guidelines for the operational deployment of the Tactical Services Group. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. The decision to activate, or not to activate, certain elements of the TSG shall be at the discretion of the Tactical Commander based on his/her assessment of the situation.

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405.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Tactical Services Group should respond. The supervisor may use the Pueblo Police Department Arrest/ Search Warrant Risk Assessment Form to conduct this assessment. Upon final determination by the Watch Commander, the Tactical Commander will be notified. The Tactical Commander shall brief the Services Bureau Chief as soon as practicable, advising him/her of the situation.

405.8.2 APPROPRIATE SITUATIONS FOR USE OF A TACTICAL SERVICES GROUP

The following are examples of incidents that may result in the activation of the Tactical Services Group:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages have been taken

(c) Arrests of persons reasonably believed to be dangerous

(d) Any situation in which SWAT team or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

405.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Pueblo Police Department Tactical Services Group in response to requests by other agencies must be authorized by the Services Bureau Chief or his/her designee.

405.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding 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 Pueblo Police Department SWAT team shall operate under the policies, procedures and command of the Pueblo Police Department when working in a multi-agency situation.

405.8.5 MOBILIZATION OF TACTICAL SERVICES GROUP

The on-scene supervisor shall make a request to the Watch Commander for the Tactical Services Group to respond. The Watch Commander shall then notify the Tactical Commander. The Watch Commander should brief the Tactical 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

(c) If the suspect is barricaded

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(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

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The Tactical Commander shall then initiate a response via the Communications Center and brief the Services Bureau Chief as soon as practicable, advising him/her of the situation. A current mobilization list shall be maintained in the Communications Center.

405.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Tactical Services Group, 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 TSG 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 TSG has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.

(f) Be prepared to brief the Tactical Commander on the situation.

(g) Plan for and stage anticipated resources.

405.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon TSG deployment, the Tactical Commander or the authorized designee 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 evacuation, media access and support for the TSG. The Incident Commander and the Tactical Commander or the authorized designee shall maintain communications at all times.

405.8.8 COMMUNICATION WITH TACTICAL SERVICES GROUP PERSONNEL

All persons who are non-Tactical Services Group personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. All non-emergency

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communications should be channeled through the Tactical Commander or the authorized designee.

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Ride-Alongs

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Pueblo Police Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

406.2 POLICY

Ride-along opportunities will be provided to members of the public, City employees, and members of this department to observe and experience, first-hand, various functions of the Pueblo Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as the Communications Center.

406.3 ELIGIBILITY

A ride-along is available to Pueblo residents and business owners, students currently attending class in Pueblo, and those employed within the City of Pueblo. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include but are not limited to:

- Being under 16 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the City.
- Denial by any supervisor.

406.4 AVAILABILITY

A ride-along or job observation is available most days of the week, subject to advanced scheduling and member availability.

406.5 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Recruits
- Explorers
- Volunteers
- Chaplains

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- Pueblo Police Department applicants
- Any others with approval of the Watch Commander
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Under no circumstances will more than one ride-along will be allowed in a department vehicle at a given time.

406.5.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Watch Commander.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or City employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this department or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

406.5.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Colorado Crime Information Center (CCIS) and National Crime Information Center (NCIC) criminal history check prior to approval of the ride-along.

406.5.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse, or jacket; slacks; and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Watch Commander. The Watch Commander or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

406.5.4 PROHIBITION AGAINST PERSONAL RIDE-ALONGS

A member who takes his/her spouse, significant other or family member on a ride-along is at increased risk of becoming personally involved in a situation if the ride-along participant becomes involved in the conflict (e.g., the ride-along participant is assaulted, called an offensive name, etc.). Due to this potential conflict of interest, members are prohibited from taking their spouses, significant others and family members as participants in the ride-along program. Should a member be erroneously assigned a personal ride-along by the Watch Commander, the member shall immediately notify the Watch Commander of the conflict. The Watch Commander will then make a reassignment, if available.

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Spouses, significant others and family members of members are encouraged to participate in the ride-along program, as long as the ride-along is with another member.

406.6 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Watch Commander. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address, and telephone number.

The Watch Commander will schedule a date, based on availability, generally one week after the date of application.

If the request is denied, a representative of this department will advise the applicant of the denial.

406.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the department member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handing any police department equipment.

(c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.

    1. If the ride-along is in progress, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence with the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The dispatcher will be advised of the situation and as soon as practicable have another department

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member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Watch Commander. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Watch Commander with any comments that may be offered by the member.

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Hazardous Material Response

407.1 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 department.

407.1.1 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.

407.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The Fire Department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder 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) Make the initial assessment of a potential hazardous material from a safe distance.

(b) 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.

(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) 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.

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3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) 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.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(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.

(l) If available, activate reverse 9-1-1 calling to the affected area.

407.3 REPORTING EXPOSURE

Department personnel 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 a memorandum as part of the casualty report process, which shall be forwarded via chain of command to the Bureau Chief 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 memorandum.

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, as part of the casualty report process.

407.3.1 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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Hostage and Barricade Incidents

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

408.1.1 DEFINITIONS

Definitions related to this policy include:

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.

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.

408.2 POLICY

It is the policy of the Pueblo Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

408.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

Any department member supervising a hostage or barricade situation in this jurisdiction may order a security employee of a communications or internet access provider to cut, reroute or divert telephone lines or a cellular or digital communications signal to prevent the suspect from communicating with any person other than a law enforcement officer (CRS § 18-9-312).

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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).

408.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed.

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

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(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Highest Ranking Officer On Scene.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

408.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed.

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Highest Ranking Officer On Scene.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Tactical Services Group response if appropriate and apprising the Tactical Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Request Fire Department and Emergency Medical Services standby.

(e) Establish a command post location as resources and circumstances permit.

(f) Designate assistants who can help with intelligence information and documentation of the incident.

(g) If it is practicable to do so, arrange for video documentation of the operation.

(h) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(i) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.

(j) Identify a media staging area outside the outer perimeter and have the department Highest Ranking Officer On Scene or Public Information Officer provide media access in accordance with the Media Relations Policy.

(k) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(l) Implement the Incident Command System (ICS) in compliance with the Incident Command System Policy.

(m) Debrief personnel and review documentation as appropriate.

Additionally, the supervisor has the discretion and authority to activate a chase/surveillance vehicle if he/she deems such to be appropriate. If a chase/surveillance vehicle is activated, the supervisor shall stage resources and implement strategies to control the travel route. Travel routes shall be controlled in a manner that provides the highest level of safety for the public and all persons involved in the incident. Should the incident become a vehicle pursuit, the provisions set forth in the Vehicle Pursuit Policy shall be followed.

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408.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

In the event of a hostage or barricade situation, the Incident Commander will notify the Tactical Commander. Upon TSG deployment, the Tactical Commander or the authorized designee 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 evacuation, media access and support for the TSG. The Incident Commander and the Tactical Commander or the authorized designee shall maintain communications at all times.

408.6.1 REPORTING

The initial officer on scene will generally be designated as the primary officer and will be responsible for completion of the original incident report. All other department members responding to the scene and taking official action shall document their participation via supplemental reports covering their involvement. The primary supervisor shall be responsible for coordinating all reports and ensuring their timely completion.

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Response to Bomb Calls

409.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response toincidents 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.

409.2 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 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.

(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) Officers should not transmit on any equipment that produces radio frequency energy within 300 feet.

(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 consider the ingress/egress of additional support personnel, such as paramedics and fire department personnel.

(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 bomb squad technicians.

(k) When in doubt, call for assistance from the Bomb Squad.

409.3 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 such things as 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 following concerns may confront the officer:

- Injury to victims
- Existence of additional or secondary devices
- First aid
- Evacuation of victims

409.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department

(b) Bomb Squad

(c) Additional officers

(d) Field supervisor

(e) Watch Commander

(f) Investigators

(g) Identification Section

(h) Colorado Bureau of Investigation (CBI)

(i) Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF)

409.3.2 CROWD CONTROL

Scene access should be restricted to those with a legitimate public safety purpose.

409.3.3 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. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

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409.4 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 destructive device.

409.4.1 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, this should be asked after the preceding questions.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these 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
- 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 Department evidence procedures.

409.4.2 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 officers as required for coordinating a general building search or evacuation as deemed appropriate.

409.5 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 Department is informed of the threat.

409.5.1 BOMB THREAT RESPONSE OPTIONS

The options available to the person in charge of the facility are generally:

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(a) No search and no evacuation.

(b) Search without evacuation.

(c) Evacuation without search.

(d) Evacuation and search.

409.5.2 REQUEST FOR ASSISTANCE

Should the person in charge of the facility request assistance, the immediate supervisor shall be notified and will make the decision whether the Department 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 with the approval of the Watch Commander.

409.5.3 EVACUATION OR SEARCH ASSISTANCE

Should the immediate supervisor determine that the Department will assist in a bomb threat incident, he/she will determine:

(a) The level of assistance.

(b) The plan for assistance.

(c) The appropriate support necessary.

Should the immediate supervisor determine that the Department will control a bomb threat incident, he/she shall consult with the Watch Commander before determining whether or not an evacuation and search will be conducted.

Considerations regarding the involvement of the facility staff in searching and evacuating is 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 product 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.

409.5.4 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.

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Civil Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (CRS § 27-65-105).

410.2 POLICY

It is the policy of the Pueblo Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

410.3 AUTHORITY

Officersmay take a person into protective custody (CRS § 27-65-105).

(a) When the officer has probable cause to believe that a person is either gravely disabled or an imminent danger to him/herself or others.

1. The officermust transport the person to a facility designated or approved by the local mental health authority for a 72-hour treatment and evaluation.

(b) When the officer has probable cause to believe that a person is in immediate need of evaluation to prevent physical or psychiatric harm to him/herself or others.

1. The officer must transport the person to an outpatient mental health facility or other clinically appropriate facility designated or approved by the local mental health authority.

If the appropriate facility is not available, officers may take the person to an emergency medical services facility, as defined by CRS § 27-65-102 (CRS § 27-65-105).

410.3.1 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 a jail, lockup, or other place used for the confinement of persons charged with an offense (CRS § 27-65-105(2)).

410.3.2 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she 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.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

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410.4 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) Assistance from a Crisis Intervention Team member.

(b) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(c) Community or neighborhood mediation services.

(d) Conflict resolution and de-escalation techniques.

(e) 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.

410.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have the Communications 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, supervisor notification is required before transport commences.

410.6 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.

410.7 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).

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.8 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, and upon concurrence of the Watch Commander, the individual may be arrested and transported directly to the appropriate mental health facility. The supervisor and the Watch Commander should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 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 entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with mental health disorders and on civil commitments and crisis intervention.

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Citation/Summons and Release Policy

411.1 PURPOSE AND SCOPE

State 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.

411.2 POLICY

The Pueblo Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation/summons, when authorized to do so.

411.3 STATUTORY REQUIREMENTS

This department 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 and CRS § 42-4-1707).

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). 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 that are reasonably necessary to meet the requirements of law.

411.3.1 DISCRETION TO ARREST

While this department 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 department, 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 agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency 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 agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

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Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

411.4 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with the law.

411.4.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations for misdemeanors and release subjects in the field. 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).

411.4.2 JAIL RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after being held at the Pueblo Police Department temporary detention facility or the Pueblo County Detention Center (per the Center's policy).

411.4.3 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 or unlikely to comply with the terms of the penalty assessment notice (CRS § 16-2-201(1)).

411.5 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and minor misdemeanor criminal violations.

Juveniles who commit misdemeanor criminal violations should be issued citations as follows:

(a) A juvenile ten years of age or older may be issued a citation.

(b) The juvenile should be issued the citation in the appropriate court for the offense. State charges should be issued into Pueblo County Court and municipal charges should be issued into Pueblo Municipal Court. Unless special circumstances exist that necessitate the charging of a juvenile into Pueblo County Court, however, juveniles should be charged into Pueblo Municipal Court.

(c) The officer shall issue the appropriate court date using information from the court schedule page located on the Pueblo Police Department Intranet site. The officer shall then provide a verbal explanation of the citation to the juvenile, including the consequences of the juvenile failing to appear in court with his/her parent, guardian or legal custodian.

(d) The officer shall document the juvenile’s parent, guardian or legal custodian information on the citation.

(e) A juvenile who refuses to sign a citation for the violation of a traffic law that carries a jailable sentence, and thereby declines to make a written promise to appear in court, may be immediately taken before a magistrate (CRS § 42-4-1705(1)(e)). However,

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if the juvenile's identity can be reasonably determined, a summons shall be issued rather than making an arrest with "served" entered into the signature field. Should a juvenile's identity be undetermined, a supervisor should be requested to assist with the resolution of the incident prior to taking the juvenile into custody.

(f) In some circumstances, a protection issue may arise, in which case the juvenile should be released to a parent, guardian or legal custodian following the issuance of the citation, pursuant to department policy.

Cases not closed by citation should be referred to the Criminal Investigation Division, if necessary, for further investigation and diversion or forwarded to the prosecutor.

Refer to the Traffic Function and Responsibility Policy for further guidance on the issuance of citations to juveniles for traffic violations.

411.6 REQUIRED DOCUMENTATION

In every case that results in the issuance of a citation, officers are required to document the facts and circumstances that establish the probable cause (or in the case of a citizen municipal court complaint, reasonable grounds) for issuing the citation. Such documentation shall include the names and contact information for all victims and witnesses associated with the case. Cases that require more thorough documentation should be documented in a police report with a case number. Other, less complicated cases may be documented in the citation narrative field. Unless otherwise directed by a supervisor, the form of documentation that the officer issuing the citation chooses to use (i.e., police report or citation narrative field) is at the discretion of the issuing officer.

When citations are issued to multiple persons for the same incident, officers are permitted to complete one police report/citation narrative field and then reference the additional issued citations back to the completed police report/citation narrative field.

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Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Pueblo Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Pueblo Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089 , or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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412.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Foreign Diplomatic and Consular Representatives

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

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Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

413.2 POLICY

The Pueblo Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

413.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

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(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

413.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.5 PLANNING

The Operations Bureau Chief should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

413.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Pueblo Police Department relating to immigration and interacting with federal immigration officials.

415.2 POLICY

It is the policy of the Pueblo Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Colorado constitutions.

415.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

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An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

415.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

415.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

415.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

415.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

415.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

415.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigation Division supervisor assigned to oversee the handling of any related case. The Criminal Investigation Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

415.9 TRAINING

The Training Sergeant should ensure that officers receive training.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Requests for Assistance From Bail Bondsmen

416.1 PURPOSE AND SCOPE

At times, the Pueblo Police Department is called upon to assist bondsmen in what they may consider to be their civil authority to enter into a private residence and seize a wanted person. A police presence, whether to keep the peace or serve as an active participant, can place the Department in situations of potential liability. The purpose of this policy is to delineate the Department's role and responsibilities in these situations.

416.2 COMMUNICATIONS CENTER RESPONSIBILITIES

Call takers who receive non-emergency calls from bondsmen, wanting to effect the arrest of a wanted person, shall ask the reporting person to verify that there is an active court ordered warrant for the person for which they are looking. If there is no court ordered warrant, the Pueblo Police Department will not respond. The Pueblo Police Department will only respond when the bondsmen can present a stamped, verified copy of the warrant to the officers upon their arrival.

416.3 OFFICER RESPONSIBILITIES

Officers who respond to calls where a bondsman wants to contact and arrest a party are to first view the verified copy of the warrant and then confirm, through normal procedures, that there is an active court ordered warrant for the person being sought by the bondsman. When it has been confirmed that an active warrant exists, officers shall ask the bondsman to remain away from the contact site. Once a police presence has been made, only officers are to approach the site and attempt to contact the wanted person. The bondsman may remain on public property near the contact location. Once officers have made contact and arrested the wanted person, only the officers are to transport the prisoner to the Pueblo County Detention Center for processing. A search warrant is required to enter into a third party residence if officers are not invited in by a person living at that residence.

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Emergency Utility Service

417.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

417.1.1 BROKEN WATER LINES

The City's responsibility ends at the 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.Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Communications Center.

417.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Communications Center should ensure that the proper maintenance utility company is promptly notified, as appropriate.

417.1.3 FLOODING AND DRAINAGE EMERGENCIES

Public Works maintains public water equipment, such as the automated drainage pump station at West 29th Street and Frontage Road. When said pump is activated in response to flooding, a message is automatically sent to the Communications Center. Upon receipt of such a message, the Communications Center will notify Public Works and dispatch officers to the scene to protect the public. Should an entity other than Public Works, such as a utility company, be responsible for the water/equipment emergency, Communications Center will notify the responsible entity and dispatch officers as needed.

417.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by the Communications Center.

417.2 TRAFFIC SIGNAL MAINTENANCE

The Public Works Department provides maintenance for all traffic signals within the City, other than those maintained by the Colorado Department of Transportation (CDOT).

417.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

418.2 POLICY

It is the policy of the Pueblo Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

418.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

418.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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418.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

418.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

418.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

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(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

418.8 DOCUMENTATION

All aircraft accidents occurring within the City of Pueblo shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of PPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

418.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

418.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

418.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Police Training Officer Program

419.1 PURPOSE AND SCOPE

The Police Training Officer Program (PTO Program) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Pueblo Police Department.

419.2 POLICY

It is the policy of this department to assign all new police officers to the PTO Program, which 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.

419.3 POLICE TRAINING OFFICER

The Police Training Officer (PTO) is an experienced officer trained in the areas of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

419.3.1 SELECTION PROCESS

PTOs will be selected according to the application and selection process for specialized assignments as set forth in the Specialized Assignment Transfers and Collateral Duty Assignments Policy. Additionally, because of the importance of selecting appropriate officers for the position of PTO, applicants will be evaluated based on the following:

(a) Desire to be a PTO

(b) Demonstrated ability as a positive role model

(c) Evaluation by supervisors and current PTOs

In addition to being strong performers, PTO candidates must possess a Colorado Peace Officer Standards and Training (POST) Basic Certificate.

419.3.2 TRAINING

An officer selected as a PTO shall successfully complete basic 40-hour PTO Program training prior to being assigned as a PTO. This requirement also applies to the Lead Police Training Officer Program Supervisor (Lead PTO Supervisor) as well as to the Police Training Officer Program supervisors (PTO supervisors).

419.4 POLICE TRAINING OFFICER PROGRAM SUPERVISION

The PTO Program will be managed and supervised by the PTO Program Administrator (PTO Administrator) and the Lead PTO Supervisor.

419.4.1 PATROL TRAINING OFFICER PROGRAM ADMINISTRATOR

The PTO Administrator will be selected from the rank of captain by the Operations Bureau Chief and shall complete the 40-hour PTO Program training within one year of appointment to this

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position. The PTO Administrator, in conjunction with the Operations Bureau Chief, oversees the program to include selection and retention of PTOs and PTO supervisors. The PTO Administrator is responsible for ensuring the program standards are maintained. The PTO Administrator will also be involved, through collaboration with the Patrol Training Officer Program Coordinators (PTO coordinators), in decisions related to the extension of trainees in the program, development of Learning Activity Packets (LAPs), and decisions related to convening a Board of Evaluators when necessary.

When the PTO Administrator determines there is a need to convene a Board of Evaluators, based on input from the PTO coordinators, the Lead PTO Supervisor, the PTO supervisors and the PTOs, the Program Administrator will meet with the Operations Bureau Chief for final approval.

The PTO Administrator will ensure evaluations of PTOs by the trainees are completed upon the trainees' successful completion with the program. These evaluations will be reviewed to determine if changes to the program are necessary, identify PTO training needs, ensure the provision of meaningful and thorough training, and evaluate the retention of PTOs.

The PTO Administrator will be responsible for ensuring the Lead PTO Supervisor completes a schedule for the trainees for the duration of the program prior to their release from the Training Section. This schedule will be made available to the Operations Bureau Chief, PTO coordinators, Lead PTO Supervisor, PTO supervisors, Administrative Traffic Sergeant, PTOs, and to the trainees during their PTO Program training course in the Pueblo Police Department Law Enforcement Academy. While this schedule is by necessity fluid based on extensions and conflicts that arise, it will provide a basis for planning by the PTO coordinators for assignment of individual recruits to PTOs, and also allow for planning by the various work components of the Operations Bureau.

The PTO Administrator will also act as a liaison with the Special Services Captain regarding training recommendations, improvements, and other issues related to both the PTO Program and Pueblo Police Department Law Enforcement Academy.

419.4.2 PATROL TRAINING OFFICER PROGRAM COORDINATORS

The PTO coordinators are patrol captains from each Watch (Watch Commanders) who are responsible for managing and facilitating the program at the Watch level. This includes assignment of recruits to PTOs who are approved for continued use by the PTO Administrator. PTO coordinators, working with the PTO Administrator, will determine the necessity for extensions of recruit officers, determine the development of LAPs, and participate in decisions related to convening a Board of Evaluators when necessary.

419.4.3 LEAD POLICE TRAINING OFFICER PROGRAM SUPERVISOR

The Lead PTO Supervisor is a sergeant who is responsible for managing the program and coordinating with the PTO supervisors regarding the deployment and status of the trainees throughout the program. This will involve creation of the trainee deployment schedule, which is to be approved by the PTO Administrator, prior to the release of the trainees by the Training Section.

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The Lead PTO Supervisor will also coordinate with the PTO supervisors to ensure effective training is being conducted and the standards of the program are maintained. While the Lead PTO Supervisor reports to the PTO Administrator for the purposes of the PTO Program, it is important that the Lead PTO Supervisor includes the PTO coordinators in discussions related to the performance of the trainees on their Watch, keeping them informed of issues as they arise.

The Lead PTO Supervisor will ensure brief weekly status reports on the progress of the trainees are completed by the PTO supervisors and forwarded to the PTO Administrator for the weekly command staff meeting. In addition, the Lead PTO Supervisor will:

(a) Participate in the selection and evaluation of PTOs and the Police Training Officer Program evaluators (PTO evaluators).

(b) Provide training in problem based learning (PBL) to the PTOs and trainees.

(c) Administer the program according to the procedures set forth in this policy and the Pueblo Police Department PTO Manual (PTO Manual).

(d) Keep the PTO Administrator and PTO coordinators informed of any unusual problems or activities related to the PTO supervisors, PTOs and trainees, as well as any unusual problems or activities related to the learning experience.

419.4.4 PATROL TRAINING OFFICER PROGRAM SUPERVISORS

PTO supervisors are sergeants who have been selected, successfully completed the 40-hour PTO Program training, and supervise the PTO/trainee teams assigned to their supervision. The PTO supervisors will provide daily supervision and coaching to the PTO/trainee teams and ensure that the needs of those training teams are met.

In the PTO Program, the PTO supervisors will:

(a) Provide training in PBL to the PTOs and trainees.

(b) Administer the program according to the procedures set forth in this policy and the PTO Manual.

(c) Schedule and conduct at least bi-weekly training meetings with the training team.

(d) Meet at least bi-weekly with the PTOs and recruit officers.

(e) Keep the PTO Administrator, PTO coordinators and the Lead PTO Supervisor informed of any unusual problems or activities related to the PTOs and trainees, as well as any unusual problems or activities related to the learning experience, including issues which may result in an extension and LAP.

419.4.5 POLICE TRAINING OFFICERS

PTOs are officers selected in accordance with the provisions set forth in this policy and the Specialized Assignment Transfers and Collateral Duty Assignments Policy, and who have successfully completed the basic 40-hour PTO Program training. PTOs will provide daily coaching and training to their trainees, document training provided, and keep the PTO supervisors and PTO coordinators informed regarding any pertinent issues associated with the trainee and the learning experience.

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The PTO is the individual primarily responsible for the proper training of the trainee, within the PTO Program guidelines. While maintaining his/her responsibilities as a patrol officer, the PTO acts as a coach and facilitator. The PTO guides the trainee through the learning experience. In the PTO Program, the PTO will:

(a) Provide a learning environment for the trainee.

(b) Act as a role model for the trainee.

(c) Learn how the PBL model works.

(d) Prepare material for the trainee, such as relevant community problems, within which the trainee frames his/her learning.

(e) Assist the trainee with the PBL exercises.

(f) Advise and counsel the trainee through each of the problems in the PTO Manual.

(g) Record the teaching and coaching experiences with the trainee and bring forward any persistent concerns to a PTO supervisor.

(h) Act in accordance with any organizational regulations regarding the training experience.

(i) Communicate with the Pueblo Police Department Law Enforcement Academy staff or former PTOs in an effort to identify areas of strength and weakness for his/her assigned trainee, and adjust the trainee's program according to his/her training needs.

419.4.6 POLICE TRAINING OFFICER PROGRAM EVALUATORS

PTO evaluators are experienced PTOs who have met qualifications designated by the Department for the evaluator's position.

PTO evaluators identify, assign, and record the daily performance of the trainees as it relates to the evaluation categories identified for that phase of evaluation. The PTO Program offers two evaluation periods: mid-term evaluation and final evaluation. The PTE will evaluate the trainee during the mid-term evaluation on training received during Phases A and B. For the final evaluation, the PTE will evaluate the trainee comprehensively on training received in Phases A through D.

419.4.7 BOARD OF EVALUATORS

The Board of Evaluators will consist of three PTOs and one PTO supervisor who are unfamiliar with the trainee's performance. A Board of Evaluators can be convened by the Operations Bureau Chief, or the PTO Administrator with the consent of the Operations Bureau Chief, and is responsible for the following:

(a) Convening and conducting inquiries into the performance of a trainee. These inquiries may include reviewing written coaching and training reports (commonly referred to as daily journals), Police Training Evaluator Reports, or other written material related to the inquiry. The Board of Evaluators may also interview personnel relevant to those inquiries to obtain the best information available before making any written recommendation to the PTO Administrator.

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(b) Following the investigative inquiries, the PTO supervisor sitting on the Board of Evaluators will provide a written recommendation to the PTO Administrator and Operations Bureau Chief on what action to consider regarding training, remedial training, or termination from the PTO Program.

419.5 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Pueblo Police Department, who has successfully completed a POST-approved basic academy and possesses a Colorado POST Basic Certificate within one year of commencing employment as a peace officer.

419.6 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the PTO Program.

The required training will take place on at least two different shifts, including rotation between PTOs consistent with PTO Program guidelines.

419.6.1 POLICE TRAINING OFFICER MANUAL

Each new officer will be issued a PTO Manual at the beginning of his/her training. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Pueblo Police Department. 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 PTO Manual will specifically cover the program processes and guidelines, but shall not be considered inclusive of the policies, procedures, rules and regulations of the Pueblo Police Department.

The current PTO Manual will also be available on the Pueblo Police Department Intranet site.

419.6.2 REQUIRED TRAINING FOR POLICE TRAINING OFFICERS

PTOs will be required to attend and successfully complete basic 40-hour PTO Program training prior to a trainee being assigned to them.

PTO supervisors will provide continuing training and coaching to PTOs under their supervision regarding the Adult Learning and Problem Based Learning models.

In addition, at the conclusion of each PTO Program training class, a debriefing will be conducted with the PTOs, PTO supervisors, the Lead PTO Supervisor and PTO Administrator. The goal of the debriefing will be to identify areas for improvement within the program as well as provide ongoing in-service training to the PTOs and PTO supervisors.

419.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed in accordance with the guidelines set forth in the PTO Manual.

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419.8 DOCUMENTATION

All documentation of the PTO Program will be retained in the officer's training files, including, at a minimum, evaluations and a Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

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Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Automated Fingerprint Identification System (AFIS) - A biometric identification system that uses digital imaging technology to obtain, store and analyze fingerprint data.

Consensual encounter - 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.

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, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Portable Fingerprint Scanner - A handheld device that communicates with the Colorado Bureau of Investigation’s Integrated Automated Fingerprint Identification System (AFIS). The scanner checks two fingerprints obtained from an individual which can provide positive identification if the fingerprints exist in AFIS.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

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420.2 POLICY

The Pueblo Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

420.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Pueblo Police Department to strengthen community involvement, community awareness, and problem identification.

420.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual’s:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

420.4 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.

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(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 written consent is not possible, the officer should record any verbal consent.

420.5 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect’s outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to (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 actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

420.6 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

420.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. Such consent should be documented in an associated FI record or report.

420.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal

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conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

The immediate supervisor should be notified when non-consensual photographs are taken under these circumstances. All field photographs and related reports shall be retained in compliance with this policy.

420.6.3 DISPOSITION OF PHOTOGRAPHS

The Records Manager will be responsible for ensuring that photographs maintained by the computer database that are more than one year old and no longer serve a law enforcement purpose shall be purged and disposed in compliance with the established records retention schedule. No record may be destroyed unless it is done in compliance with such a schedule or as ordered by a court or pursuant to other applicable statute. Photographs that continue to serve a law enforcement purpose may be retained longer than one year, such as photographs maintained in a criminal gang intelligence database, provided that a notation of that fact is added to the file for each additional year they are retained. Access to the field photograph/FI record shall be strictly limited to law enforcement purposes and personnel.

A photograph need not be purged but may be retained as an updated photograph if it replaces a pre-existing booking photograph.

Photographs taken as evidence in criminal investigations shall be handled in accordance with established policies and procedures governing evidence collection, retention, release and disposition.

When uploading a photograph into the computer name database, officers must use the check box to indicate whether or not the photograph is appropriate for use in photo lineups. Upon being uploaded into the computer name database and identified as appropriate for use in photo lineups, said photographs may then be used in photo lineups by other members of the Department in separate investigations.

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.

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.

420.6.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that

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supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

420.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members 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 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 department members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

420.8 PORTABLE FINGERPRINT SCANNERS

Portable fingerprint scanners provide officers with a specialized tool to assist in the positive identification of individuals. Identifications searched through AFIS and other accessed databases are limited to subjects maintained in those databases. Portable fingerprint scanners access the National Crime Information Center (NCIC) and Colorado Crime Information Center (CCIC) databases for identification only. Officers still need to clear individuals for wants and warrants.

NCIC/CCIC information is considered criminal justice information that cannot be disseminated to non-law enforcement personnel and may only be used for lawful criminal justice purposes.

420.8.1 OPERATIONAL PROCEDURES

Portable fingerprint scanners may be used in the following circumstances:

(a) When a person voluntarily consents

(b) When conducting a death investigation with a member of the Coroner’s Office present and no other reasonable means exists for identifying the deceased

(c) When in contact with an at-risk person who is unable to provide positive identification and no other reasonable means exists for identifying the person

(d) When probable cause to arrest exists and it is reasonable to believe the prints will assist in the investigation

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(e) When reasonable suspicion exists that a detained person is providing false or fictitious identification

(f) When responding to a medical emergency in which the subject is unable to provide positive identification and no other reasonable means exists for identifying the person

(g) When specifically authorized by a valid search warrant

(h) When verifying a person's identification as part of sex offender registration

Under no circumstances shall an officer use force to obtain field fingerprints.

Officers shall maintain portable fingerprint scanner equipment in accordance with the manufacturer's recommendations.

420.8.2 DOCUMENTATION

In instances in which a person's identification is confirmed by use of a portable fingerprint scanner, the officer who utilized the equipment shall complete and submit to CBI the required information contained in the portable fingerprint scanner software. The electronic report that is produced by the software upon submission of the information shall then be attached to the applicable incident report.

420.8.3 TRAINING

Officers shall complete a department-approved training course on the use of portable fingerprint scanners prior to being authorized to use said equipment. The training will be based on FBI and CBI requirements, the Pueblo Police Department's requirements, and manufacturer's recommendations.

Officers shall demonstrate proficiency with portable fingerprint scanners prior to being authorized to use said equipment.

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Criminal Street Gangs

421.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs and patterns of criminal or delinquent activity (CRS § 24-33.5-415.3).

The intent of this policy is to establish a procedure that will be used to develop and maintain information used for enhancing criminal prosecution of criminal street gang participants.

421.1.1 PUEBLO POLICE DEPARTMENT GANG STRATEGY

The following is the Pueblo Police Department Gang Strategy, which was issued by Chief Luis Velez on April 25, 2011:

"To identify, arrest, and prosecute gang members and dismantle active criminal gangs, by actively targeting all gangs, and their criminal activites, and all gang members within the City of Pueblo."

ACTION PLAN

Goal #1. Proactive gang enforcement will commence by all members of the Pueblo Police Department.

(a) All members of the Department, regardless of assignment, will focus enforcement efforts on gang related crimes and gang activity.

(b) All members of the Department will develop intelligence and forward information related to gangs, gang members, and gang activity to the Criminal Information Section (CIS) through field contacts, intelligence reports, and other methods.

(c) With the assistance of other investigative elements, and utilizing all available investigative resources, the CIS will initiate a comprehensive investigation of the activities of local gangs and gang members.

Goal #2. Improve relations between the CIS and other elements of the Department and the criminal justice system.

(a) CIS detectives will conduct regularly scheduled meeting with counterparts in the District Attorney's Office and the Municipal Court for purposes of discussing current developments in gang enforcement efforts and issues related to the prosecution of gang members.

(b) CIS detectives will coordinate periodic meetings with other area law enforcement agencies regarding the status of gang related investigations and enforcement efforts.

(c) CIS detectives will compile and continually update a list of active Pueblo gangs and gang members, with photographs, and make said list available to all officers on the PPD intranet.

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(d) CIS detectives will compile and continually update a list of top twenty wanted gang members, and post said list, with photographs, in a location visible to Patrol and Traffic Division officers in the Patrol roll-call room.

(e) CIS detectives will regularly visit Patrol Division roll-call sessions to share information relative to gangs and gang activity.

(f) CIS detectives will assist in gang related training of other officers, including training in mobile field contacts.

(g) CIS detectives will work cooperatively with other law enforcement agencies to conduct a multi-agency/multi-disciplined approach to gang investigations.

Goal #3. Improve relations and line of communication with community organizations and citizens on gangs and gang activity.

(a) Patrol Division officers, CIS detectives, and other members of the Police Department, will organize and present public educational programs related to gangs and gang activity to service clubs, civic groups, and interested neighborhood associations.

(b) The CIS will create a 'Gang Information Brochure', and make it available to citizens and community groups, and the public at large.

421.2 DEFINITIONS

Definitions related to this policy include:

Criminal street gang - Any ongoing organization, association or group of three or more persons, whether formal or informal:

(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)).

Pattern of criminal gang 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)).

421.3 IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS

The CIS shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.

2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal or delinquent acts.

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3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
4. The District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.

(b) An individual shall be designated as a participant in a criminal street gang when at least two of the following elements have been verified by a member of the CIS and there is a reasonable basis for believing such affiliation has been established. Inclusion in a criminal gang intelligence database shall be approved by the CIS Sergeant.

1. An individual admits membership in a criminal street gang.
2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area and affects the gang's style of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated with that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal street gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang-related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph in such a manner as to clearly indicate membership in a criminal street gang.

(c) An individual may be designated as a gang affiliate only when the individual is known to associate with active criminal street gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity or delinquent acts. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience.

421.4 CRIMINAL STREET GANG TEMPORARY FILE

The CIS Sergeant may maintain a temporary file of reports and information 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 necessary for entry into a criminal gang intelligence database.

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Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a criminal gang intelligence database approved by the Department. Reports and information will only be included in a temporary gang file with the written authorization of the CIS Sergeant. A temporary file of street gang participants should include the following, if known:

(a) Names, aliases, monikers, addresses and other relevant identifying information

(b) Gang name

(c) Justification used to identify an individual as a criminal street gang participant

(d) Vehicles known to be used

(e) Cross references to other identified gangs or gang members

421.4.1 REVIEW AND PURGING OF TEMPORARY CRIMINAL GANG FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a criminal gang intelligence database approved by the Department.

The CIS Sergeant 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 gang files is the responsibility of the CIS Sergeant. Retention and purging shall correspond to the established records retention schedule requirements.

421.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases for use by members of the CIS. Any such database must be compliant with 28 CFR § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the CIS Sergeant's responsibility to determine whether a report or FI record contains information that would meet the criteria for entry into a criminal gang intelligence database approved by the Department. After giving approval for entry of the record, the CIS Sergeant should ensure that any such reports/FI records are appropriately entered into the correct criminal gang intelligence database(s).

It is the responsibility of the CIS Sergeant to retain reports and FI records in compliance with the procedures of the department-approved gang/intelligence file and 28 CFR § 23.20. No reports or FI records maintained in a criminal gang intelligence database may be purged without the approval of the CIS Sergeant.

Validation and purging of gang intelligence databases is the responsibility of the CIS Sergeant.

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421.4.3 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the CIS Sergeant unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

Employees must strictly comply with the procedures governing the release of information from a criminal gang intelligence database approved by the Department.

421.4.4 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Chief of Police or the authorized designee shall review the information in the file. If, after conducting a review of the information, it is determined that the information is not accurate, all records shall be purged and disposed in compliance with the established records retention schedule.

421.5 FIELD CONTACTS

Officers who contact individuals who are, or may be, participants in criminal street gang activity should complete a field interview module entry (FI record) 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 (e.g., subject states he/she is a member of XYZ gang, has XYZ tattoo on right hand near thumb, is wearing a ball cap with the gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of the Detentions and Photographing Detainees Policy.

421.6 DISSEMINATION OF THE FILE INFORMATION

Information from the temporary criminal gang participant files may only be furnished to department personnel and other public law enforcement agencies on a need-to-know basis. This means information 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 members of this department and other law enforcement agencies.

The release of information from any department-approved gang intelligence file must comply with the rules established for that particular temporary file or database.

421.7 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal gang related shall be documented on a report form and shall at 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) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

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(d) A specific request that a copy of the report be routed to the CIS.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

421.8 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

Officers may submit data on an individual at least 14 years of age to the criminal gang investigative data system maintained by the Colorado Bureau of Investigation if (CRS § 24-33.5-415.3(3) and CRS § 24-33.5-412(1)(i)):

(a) The individual has met at least three of the criteria or identifying characteristics of gang membership, and

(b) The individual has been convicted of a gross misdemeanor or felony or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult. Information entered into the criminal gang investigative data system will be purged after three years have elapsed from the date of entry, unless this department requests an earlier date.

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Watch Commanders

422.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Captain heads each watch.

422.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Captain is unavailable for duty as Watch Commander, the qualified senior sergeant shall be designated as acting Watch Commander.

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Mobile Audio Video

423.1 PURPOSE AND SCOPE

The Pueblo Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 PHILOSOPHY

The Pueblo Police Department's philosophy regarding the use of Mobile Audio Video is that our profession and the citizens we serve deserve the best possible service in the most transparent way. Service that holds citizens and officers mutually accountable. Mobile Audio Video technology is a tool that assists Pueblo police officers in their duty to record court admissible evidence and seek truth. Furthermore, it provides the opportunity for effective supervision, enhanced training and provides a way to more effectively address complaints as well as opportunities to recognize great work and service when it occurs.

423.1.2 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) sysytem - 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.

MAV technician - Personnel, certified or civilian, trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

423.2 POLICY

It is the policy of the Pueblo Police Department to use mobile audio and video technology to more effectively fulfill the Department's mission and to ensure these systems are used securely and efficiently.

423.3 OFFICER RESPONSIBILITIES

Officers are responsible for ensuring the MAV system in each and every vehicle they use during their shift is powered on and left on for the duration of the shift.

DVDs will not be assigned to vehicles. Rather, officers will be issued individually-assigned DVDs for which they shall be personally responsible. Prior to going into service, each officer shall insert one of his/her individually-assigned DVDs into the MAV system. When the DVD becomes full and

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the recording space has been exhausted, the officer shall submit the full DVD to the Identification Section and place one of his/her individually-assigned, degaussed DVDs into the MAV system.

Whenever an event of evidentiary value is recorded onto a DVD, the event shall be properly labeled with the corresponding case number in the MAV system and the DVD shall be immediately submitted to the Identification Section. The DVD which has been submitted to the Identification Section shall then be replaced by a degaussed DVD which has been individually assigned to the affected officer.

The same DVD shall be used, shift in and shift out, until it is either full or has captured an event of evidentiary value. Provided a DVD has not exhausted all recording space or has not captured an event of evidentiary value, the officer to which the DVD has been assigned shall eject such from the MAV system at the end of his/her tour of duty and reinsert it into the MAV system at the start of his/her next shift.

DVDs shall be submitted to the Identification Section according to established check-in procedures. Only approved media shall be used.

Officers should test the MAV system operation in accordance with manufacturer specifications and in accordance with training at the start of each shift. Testing includes:

(a) The remote audio transmitter is functional and has an adequate power source.

(b) It is connected to the recording equipment.

(c) The transmitter can remotely activate the system.

(d) The view of all cameras is free of obstruction.

(e) All camera lenses are operational.

(f) The camera is facing the intended direction.

(g) The recording mechanism captures both audio and video information.

(h) The system plays back both audio and video tracks.

System documentation is accomplished by the officer recording his/her name, serial, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

423.3.1 MAV SYSTEM AUDIO RECORDER EQUIPMENT

All Operations Bureau personnel working in field assignments shall be issued MAV system audio recording equipment, subject to availability. The issued equipment will consist of a portable microphone that shall be worn on the officer's person. Prior to going into service in the field, each uniformed officer will be responsible for making sure that he/she is equipped with audio recording equipment issued by the Department that is in good working order.

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Anytime the MAV system is used to function in replacement of or as a portable audio recorder, the Use of Audio/Video Recorders Policy shall apply.

423.3.2 ACTIVATION OF AUDIO RECORDING EQUIPMENT
The MAV system audio recording equipment has the capability of remotely activating the MAV system when officers are outside of their units. Officers shall be responsible for remotely activating the MAV system in required situations as delineated in this policy. At no time should a member jeopardize his/her safety, however, in order to activate the audio recording equipment.

423.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. Although the audio recording equipment is automatically activated when the emergency equipment is activated, it can also be manually activated by the officer whenever appropriate. When audio is being recorded, the video will also record.

423.4.1 REQUIRED ACTIVATION OF THE MAV
This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. 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 MAV system should be activated 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)
    2. Priority responses
    3. Vehicle pursuits
    4. Suspicious vehicles
    5. Arrests
    6. Vehicle searches
    7. Physical or verbal confrontations or use of force
    8. Pedestrian checks
    9. DVVI/DUI investigations including field sobriety tests
    10. Consensual encounters

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11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Communications Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Upon completion of the recording of any of the aforementioned events, officers shall enter the required data into the MAV system to properly indicate that the recording is of evidentiary value.

423.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or in other similar situations.

423.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that their direct reports are in compliance with this policy.

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When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene, remove the recorded media and turn the media over to the Identification Section. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

423.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media in pristine condition.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(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 MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment.

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

(k) 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.

Employees desiring to view any MAV recording should submit a request in writing to the Watch Commander to ensure that a copy is made available and to document the request. Oral requests should be reduced to writing by the receiving supervisor. Requests should be forwarded to the Identification Section for processing.

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In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

On a quarterly basis, every sergeant assigned to the Operations Bureau shall review a minimum of five MAV recordings that are recorded by the officers under his/her supervision. The purpose of the reviews is to ensure that officers are complying with department directives and applicable laws. The reviews shall be documented in a format approved by the Operations Bureau Chief. Significant issues identified as a result of the reviews, such as violations of policy or law, training needs, MAV equipment malfunctions, etc. shall be documented and forwarded to the Operations Bureau Chief via the chain of command. On an annual basis, the Operations Bureau Chief will draft a memorandum summarizing the individual reviews conducted by the sergeants from throughout the year.

423.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY

All media that is not booked as evidence will be uploaded into a secure computer storage area by the Identification Section before being degaussed, formatted or erased. All audio and video media submitted to the Identification Section shall be maintained in a designated secure storage area until the media can be uploaded into a secure computer storage area. Stored audio and video shall be retained in compliance with the records retention schedule established by the Operations Bureau Chief.

423.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

423.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Pueblo Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

423.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

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(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) With the exception of law enforcement radios or other emergency equipment, other electronic devices shall not be used inside a MAV-equipped law enforcement vehicle in order to intentionally interfere with the capability of the MAV system to record audio data.

(e) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(f) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

423.9 IDENTIFICATION SECTION RESPONSIBILITIES

The Identification Section is responsible for the following:

(a) Ordering, storing, degaussing and duplicating of all recorded media.

(b) Collecting all completed media. Once collected, the Identification Section:

1. Ensures it is stored in a secured location with authorized controlled access.
2. Makes the appropriate chain of custody entries.

(c) Degaussing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Ensuring that an adequate supply of recording media is available.

(e) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the Department evidence storage protocols and the records retention schedule.

423.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Mobile Data Terminal Use

424.1 PURPOSE AND SCOPE

The Mobile Data Terminal (MDT) accesses confidential records from the State of Colorado, Bureau of Investigation and Division of Motor Vehicles databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

424.2 MDT USE

The MDT shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Department are strictly forbidden. MDT use is also subject to the Department Technology Use Policy.

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.

All calls dispatched to patrol units should be communicated by voice and MDT, unless otherwise authorized by the Watch Commander.

424.2.1 USE WHILE DRIVING

Use of the MDT 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.

424.2.2 DOCUMENTATION OF ACTIVITY

MDT's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All 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 Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDT.

424.2.3 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 MDT system.

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Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT.

424.2.4 EMERGENCY ACTIVATION ON MDT

If the emergency button is depressed on the MDT, the dispatcher will call the officer and ask whether the officer needs assistance. If the officer answers that no additional assistance is required, all officers will resume normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, the dispatcher will send available officers to assist in locating the unit transmitting the emergency. Whenever a location is known, the dispatcher will immediately dispatch the nearest available unit as an emergency call response.

(b) The dispatcher will notify the field sergeant and Watch Commander of the incident without delay.

Officers not responding to the emergency call shall refrain from transmitting on the radio until a no-further-assistance broadcast is made, unless they are also handling an emergency.

424.3 MDT CONSIDERATIONS

424.3.1 NON-FUNCTIONING MDT

When an MDT is not functioning properly, the officer shall replace the unit with another MDT per the established procedures.

424.3.2 BOMB CALLS

When investigating reports of possible bombs, officers should not operate an MDT within 300 feet of a suspected device. Operating the MDT may cause some devices to detonate.

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Portable Audio/Video Recorders

425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Pueblo Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

425.1.1 PHILOSOPHY

The Pueblo Police Department's philosophy regarding the use of portable audio/video recorders (body-worn cameras) is that our profession and the citizens we serve deserve the best possible service in the most transparent way. Body-worn cameras record the interaction between members and the citizens they serve. It is a means to collect constitutionally valid evidence that seeks truth. It provides a supervisory tool that assists in identifying training needs, disciplinary issues and opportunities to recognize the good, and often heroic work of the members.

425.1.2 DEFINITIONS

Definitions related to this policy include:

BWC - Body-worn camera.

BWC Equipment Control Officer - Sergeant who manages the Pueblo Police Department's BWC equipment, including the assignment of BWC equipment to individual members, the tracking of repairs to BWC equipment by TASER® AXON, and the management of replacement BWC equipment through TASER® AXON representatives.

BWC System Administrator - Evidence.com system administrator with full access to user rights who controls passwords, maintains the Evidence Transfer Manager, conducts quality control checks of video and sound quality, coordinates with the BWC Equipment Control Officer, prepares BWC recordings for release pursuant to requests from third-parties and public, and acts as a liaison with TASER® AXON representatives.

Evidence Transfer Manager - Docking station that simultaneously recharges BWC recording equipment and securely uploads all data captured by the camera to Evidence.com.

Evidence.com - Online, web-based, digital media storage facility. The virtual warehouse stores digitally encrypted data in a secure environment accessible to personnel based upon unique security clearance levels.

iPod® - Portable media player linked to the BWC via Bluetooth® signal, which allows the user to view and label videos captured by the BWC. The iPod® does not store video captured by the BWC.

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Livestream - A live video feed of a member's BWC, accessed via Evidence.com and/or the designated AXON cellular phone application. A live feed of a BWC may only occur when the BWC is powered on and recording. Upon establishing a livestream, the member's BWC automatically notifies the member by vibrating and displaying "LIVE" on the top LED screen.

Portable recorder - Includes all portable audio and/or video recording systems and devices, whether body-worn, hand held or integrated into portable equipment. For the purpose of this policy, any and all references to portable recorders will include BWCs.

425.2 POLICY

The Pueblo Police Department should provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of portable recorders is intended to enhance the mission of the Pueblo Police Department by accurately capturing contacts between members of the Department and the public (CRS § 24-31-902).

It is the policy of this department that members shall activate their BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law.

The Pueblo Police Department has adopted the use of BWCs to accomplish several objectives. The primary objectives are as follows:

(a) BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of member reports and testimony in court.

(b) Audio and video recordings enhance the Department's ability to review probable cause for arrest, member and suspect interaction and evidence for investigative and prosecutorial purposes, and also provide additional information for member evaluation and training.

(c) The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

425.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity, regardless of ownership of the device it was made on, shall remain the property of the Pueblo Police Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

425.4 MEMBER RESPONSIBILITIES

BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Members who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.

Members shall use only BWCs issued by this department. Personally-owned BWCs may be used, provided that the equipment is compatible with Evidence.com and the member obtains

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approval from the Chief of Police or his/her authorized designee. All data, images, video, and metadata captured, recorded, or otherwise produced by BWC equipment, whether the equipment is department-issued or personally-owned, are the sole property of the Pueblo Police Department and shall be entered into evidence prior to the end of the member's tour of duty.

Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

Prior to going into service, each member who is assigned a BWC will be responsible for making sure that he/she is equipped with a BWC issued by the Department, and that the equipment is in good working order. The test procedure is as follows:

1. Perform a visual inspection of the BWC to include the lens, buttons, top LED screen, mount and enclosure. Ensure no error messages are displayed on the LED screen when the BWC is docked and undocked.
2. Perform a visual inspection to ensure that the BWC powers on correctly.
3. Activate the BWC to ensure the record function is operational. To do this, the BWC shall be turned on and put into record mode by pressing the “Event” (center, circular) button twice. Once recording, ensure that the top LED screen shows that the BWC is recording. Hold the “Event” button to end the recording.
4. The above sequence will create a short video which will be used to document that the officer checked the BWC prior to shift. Officers shall ensure the video was created and categorize the video as “Daily Test”, and then enter “DAILY TEST” as the ID. The date and time is automatically recorded when the video is created.

If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members shall wear the BWC equipment in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without prior written authorization and approval of the Chief of Police or his/her designee.

Members are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

Members may review recordings as they relate to:

(a) Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.

(b) Prior to courtroom testimony or for courtroom presentation.

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(c) Providing a statement pursuant to an administrative inquiry, including officer-involved shooting investigations.

(d) Critical incidents: members are encouraged to consult legal representation and may review their recordings prior to providing a statement pursuant to an administrative inquiry.

Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his/her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the portable recorder in a conspicuous manner on their person.

When using a recorder, the assigned member shall record his/her name, their individual employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members shall include the reason for deactivation.

Recordings are not a replacement for written reports.

425.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members shall activate the portable recorder any time the member believes it would be appropriate or valuable to record an incident.

BWCs shall be activated in any of the following situations:

(a) All commutes to call locations upon being assigned and dispatched to calls for service;

(b) All enforcement and investigative contacts including stops and field interview (FI) situations;

(c) All investigative actions, including searches of persons and property (except strip and physical body cavity searches);

(d) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops;

(e) Self-initiated activity in which a member would normally notify the Communications Center; and

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(f) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the portable recorder shall be activated in situations described above as soon as practicable.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

425.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (CRS § 18-9-303).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

425.5.2 CESSATION OF RECORDING

Once activated, the BWC shall remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

425.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

425.5.4 EXAMPLES

The portable recorder should be deactivated when any of the following apply:

(a) When a crime victim insists on not being recorded

(b) When an individual is a confidential informant

(c) When personal information is being relayed that is not case related

(d) When discussing administrative, tactical or management issues

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425.6 LIVESTREAMING OF BODY-WORN CAMERAS

A member's BWC may be livestreamed while in record mode through Evidence.com or a cellular phone application. Only authorized users shall have access to and use livestreaming capabilities. The BWC System Administrator shall grant livestreaming access to supervisory personnel or other members of the Department upon the approval from the Chief of Police or the authorized designee. Supervisory personnel may livestream a member's BWC to assist with operational and supervisory functions. Instances where a supervisor may livestream a member's BWC include, but are not limited to:

(a) Critical incidents such as foot pursuit, active shooter response, and officer-involved incidents.

(b) To assist with the deployment of additional resources to a scene.

(c) For situational awareness and/or officer safety reasons such as officers in trouble or other instances where livestreaming could assist in determining the threat to officers or could assist in locating an officer.

(d) At the request of a member of the Department.

(e) During citizen contacts that could be volatile or contentious in nature.

(f) To ensure members are complying with department directives and applicable laws.

Livestreaming is an additional tool to aid supervisors in carrying out supervisory functions but does not relieve the supervisor of his/her responsibilities to respond to a scene as required by policy.

Supervisors shall only use livestreaming for purposes related to operational and/or supervisory functions.

425.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally-owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained by the Pueblo Police Department.

Members are prohibited from using personally-owned portable recorders while on-duty without the express consent of the Chief of Police or his/her authorized designee. Any member who uses a personally-owned portable recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and shall notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

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425.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members shall download, tag or mark these in accordance with the procedure and document the existence of the recording in any related case report.

Any time a member records any portion of a contact with a BWC that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number, transfer the file via the Evidence Transfer Manager, and document the existence of the recording in any related case report. BWC recordings that do not constitute evidence in a criminal case shall be recorded with the related CAD event number and transferred via the Evidence Transfer Manager. Transfers shall occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

(a) All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned member.

(b) All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

(c) All access to BWC files must be specifically authorized by the Chief of Police or his/her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

425.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

On a quarterly basis, every sergeant and civilian supervisor assigned to supervise employees who are required to use BWCs shall randomly review BWC recordings that are recorded by the personnel under his/her supervision. Sergeants assigned to the Operations Bureau shall review 15 recordings per quarter, and sergeants/civilian supervisors assigned to the Services Bureau shall review 8 recordings per quarter. The purpose of the reviews is to ensure that members are complying with department directives and applicable laws. The reviews shall be documented in a format approved by the applicable Bureau Chief. Significant issues identified as a result of the reviews, such as violations of policy or law, training needs, BWC equipment malfunctions, etc.

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shall be documented and forwarded to the appropriate Bureau Chief via the chain of command. On an annual basis, each Bureau Chief or his/her designee will draft a memorandum summarizing the individual reviews conducted by the sergeants and civilian supervisors under his/her command from throughout the year.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any department member who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Release and Security Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

425.10 RELEASE OF RECORDINGS TO THIRD-PARTIES AND PUBLIC

Recordings may be released to third-parties and the public pursuant to the provisions of the Colorado Open Records Act and/or the Colorado Criminal Justice Records Act, and policies and procedures of the Records Custodian (see the Records Release and Security Policy).

425.11 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days (CRS § 24-31-902).

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Medical Marijuana

426.1 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.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Allowed amount of marijuana - No more marijuana than is medically necessary to address a debilitating or disabling medical condition. Though the amount may be greater, anything at or below the following amount qualifies as an allowed amount (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106):

(a) No more than 2 ounces 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

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 or disabling medical condition, which may be authorized only after a diagnosis of the patient's debilitating or disabling medical condition by a physician (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

Patient - A person who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

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 or disabling medical condition (Colo. Const. art. XVIII, § 14). A primary caregiver may have one or more relationships with a patient, including as (CRS § 25-1.5-106):

(a) A parent of a child and anyone who assists that parent with caregiver responsibilities, including cultivation and transportation.

(b) An advising caregiver who advises a patient on which medical marijuana products to use and how to dose them, and does not possess, provide, cultivate or transport marijuana on behalf of the patient.

(c) A transporting caregiver who purchases and transports marijuana to a patient who is homebound.

(d) A cultivating caregiver who grows marijuana for a patient.

Registry Identification Card (RIC) - That document, issued by the Colorado Department of Public Health and Environment, that identifies a patient authorized to engage in the medical use

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of marijuana and such patient's primary caregiver, if one has been designated (Colo. Const. art. XVIII, § 14).

Usable form of marijuana - The seeds, leaves, buds and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use. It does not include the plant's stalks, stems and roots.

426.2 POLICY

It is the policy of the Pueblo Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Colorado medical marijuana laws are intended to provide protection from prosecution to those who acquire, possess, manufacture, produce, use, sell, distribute, dispense or transport marijuana for debilitating or disabling medical conditions. However, Colorado medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The Pueblo Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Colorado law and the resources of the Department.

426.3 INVESTIGATION

Investigations involving the acquisition, possession, manufacture, production, use, sale, distribution, dispensing or transportation of marijuana generally fall into one of the following categories:

(a) Investigations when no person makes a medicinal claim

(b) Investigations when a medical-use claim is made by an adult who has not been issued a RIC

(c) Investigations when a medical-use claim is made by an adult who has been issued a RIC

(d) Investigations when a medical-use claim is made by a juvenile

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is being used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant as to whether the marijuana was possessed or produced for medicinal purposes.

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426.3.2 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS NOT BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, should not be arrested for a marijuana-related offense when:

(a) The patient (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

1. Was previously diagnosed by a physician as having a debilitating or disabling medical condition.
2. Was advised by his/her physician, in the context of a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating or disabling medical condition.
3. Was collectively in possession of an allowed amount of marijuana.

(b) The amount is permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16).

A copy of an application submitted to the Colorado Department of Public Health and Environment, including the written documentation and proof of the date of mailing or other transmission of the written documentation, shall be accorded the same legal effect as a RIC until such time as the patient receives notice that the application has been denied (Colo. Const. art. XVIII, § 14(3)(d)).

426.3.3 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, shall not be arrested for a marijuana-related offense when all of the following exist (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

(a) The patient or primary caregiver is in lawful possession of a RIC.

(b) The marijuana in question is for medical use.

(c) The patient or primary caregiver is in possession of no more than 2 ounces of a usable form of marijuana and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

A patient or primary caregiver in lawful possession of a RIC should not be arrested for any quantity of marijuana above the specified amounts of marijuana (2 ounces, six plants) if the amount is no more than is medically necessary to address a debilitating or disabling medical condition.

Evidence that an extended amount is medically necessary may include a voluntary disclosure by the patient in his/her registration information that he/she intends to cultivate more than six plants for his/her own medical use (CRS § 25-1.5-106).

426.3.4 INVESTIGATIONS RELATED TO A MEDICAL-USE CLAIM BY A JUVENILE

A juvenile under the age of 18 shall not be arrested for a marijuana-related offense if all of the following conditions exist (Colo. Const. art. XVIII, § 14(6); CRS § 25-1.5-106):

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(a) The juvenile is in lawful possession of a RIC.

(b) The juvenile and parental primary caregiver collectively possess no more than an allowed amount of marijuana.

(c) The parental primary caregiver controls the acquisition, dosage and frequency of use of the marijuana.

426.3.5 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

(a) Officers shall immediately notify the Colorado Department of Public Health and Environment when any person in possession of a RIC has been determined by a court of law to have willfully violated the provisions of medical marijuana laws or has pleaded guilty to such an offense (Colo. Const. art. XVIII, § 14(3); CRS § 25-1.5-106).

(b) Because enforcement of medical marijuana laws can be complex, time-consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to 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 medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors exist, such as limited available department resources and time constraints.

(c) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, officers should consider:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Other factors such as the climate and whether the marijuana is being cultivated indoors or outdoors.

(d) Before proceeding with enforcement related to a locally approved business that cultivates, manufactures or sells medical marijuana or medical marijuana-infused products, officers should consider conferring with appropriate legal counsel.

(e) Primary caregivers must be registered to cultivate or transport marijuana and have supporting receipts when transporting the marijuana. Officers may report a primary

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caregiver to the state licensing authority if the primary caregiver fails to provide proper documentation showing that he/she has registered (CRS § 25-1.5-106).

1. Primary caregivers have additional registration requirements if they grow 37 or more plants. Additionally, primary caregivers may not grow 100 or more plants (CRS § 25-1.5-106).

426.3.6 EXCEPTIONS

Officers may take enforcement action against a patient or primary caregiver who (Colo. Const. art. XVIII, § 14(5); CRS § 25-1.5-106):

(a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person.

(b) Unlawfully engages in the medical use of marijuana in plain view of, or in a place open to, the general public (CRS § 44-10-702).

(c) Undertakes any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice.

(d) Possesses or uses non-smokable medical marijuana without authorization on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).

(e) Possesses or uses smokable medical marijuana on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).

(f) Engages in the use of medical marijuana in a correctional facility, community corrections facility, or in a vehicle, aircraft, or motorboat.

(g) Engages in the use of medical marijuana while sentenced to jail/prison.

(h) Operates, navigates, or is in actual physical control of any vehicle, aircraft, or motorboat while under the influence of medical marijuana.

(i) Manufactures marijuana concentrate in an unregulated environment using an inherently hazardous substance (CRS § 18-18-406.6).

(j) Grows or possesses on residential property more than the number of marijuana plants as set forth in CRS § 25-1.5-106.

426.4 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.

426.5 EVIDENCE

426.5.1 MEMBER RESPONSIBILITIES

The investigating officer should advise the receiving member of the Property and Evidence Section when marijuana may be the subject of a medical claim.

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426.5.2 [EVIDENCE CUSTODIAN RESPONSIBILITIES

The Evidence Custodian shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not harmed, neglected, injured or destroyed (Colo. Const. art. XVIII, § 14(2)(e)).

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Custodian should follow the Property and Evidence Policy and related standard operating procedures.

The Evidence Custodian may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Services Bureau Chief.

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Bicycle Patrol Unit

427.1 PURPOSE AND SCOPE

The Pueblo Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

427.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Watch Commander.

427.3 SELECTION OF PERSONNEL

The Bicycle Patrol Sergeant will maintain a list of current bicycle patrol officers. Should this list fall below the maximum compliment of members, the Bicycle Patrol Sergeant may request a vacancy announcement through the Operations Bureau Chief.

Any officer who has successfully completed probation is eligible to be a member of the Bicycle Patrol Unit. Refer to the application and selection process for collateral duty assignments as outlined in the Specialized Assignment Transfers and Collateral Duty Assignments Policy.

Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Self-initiated patrol activity

(c) Special skills or training as they pertain to the assignment

(d) Good physical condition

(e) Willingness to perform duties using the bicycle as a mode of transportation

(f) Public relation skills

(g) Use of sick leave

427.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Sergeant will be selected by the Operations Bureau Chief or the authorized designee.

The Bicycle Patrol Sergeant shall have responsibility for the following:

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(a) Organizing bicycle patrol training

(b) Inspecting and maintaining inventory of patrol bicycles and equipment

(c) Scheduling maintenance and repairs

(d) Evaluating the performance of bicycle officers

(e) Coordinating activities with the Operations Bureau

(f) Other activities as required to maintain the efficient operation of the program

427.4 TRAINING

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

427.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle uniform specifications consist of the following:

(a) Department-issued shirt, which must be returned to the Bicycle Patrol Sergeant upon his/her request or upon the officer’s separation from the Department,

(b) Black mountain bike pants or shorts,

(c) Black, white or silver helmet as approved by the Bicycle Patrol Sergeant,

(d) Black bicycle gloves,

(e) Athletic or non-cleated shoes, and

(f) Black ankle socks.

Optional equipment includes a jacket or sweater, provided it is marked in the same fashion as the bicycle uniform shirt or it complies with the standards set forth in the Uniform Regulations Policy. Insulated clothing is permitted when worn under uniform clothing.

Officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other needed equipment, and shall keep it available while on bike patrol.

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427.6 CARE AND USE OF PATROL BICYCLES

Prior to the beginning of the shift the officer will sign out a bicycle from the designated storage area and perform an ABC Quick Check. At the end of the shift, the bicycle will be cleaned and signed back in. All problems must be noted and reported to the program supervisor. Bicycles owned by the Department will be used for bicycle patrol. Officers may use their personally-owned bicycles, however, provided they have been previously inspected and approved by the Bicycle Patrol Sergeant. In all instances, bicycles used for bicycle patrol will meet the safety and equipment standards set forth in this policy.

Bicycles utilized for uniformed bicycle patrol shall have a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag or attached gear bag. Every such bicycle shall be equipped with a headlamp and front and rear reflectors. Headlamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing and citations.

Each bicycle gear bag shall include a first-aid kit, tire pump, repair tool, tire tube and security lock with chain/cable. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with flashing, oscillating or rotating red signal light that is visible from the front, sides or rear of the bicycle (CRS § 42-4-213).

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 the equipment (e.g., tire pressure, chain lubrication, overall cleaning). If a needed repair is beyond the ability of the officer, the program supervisor should be immediately notified for future repair by an approved repair shop/technician.

Each bicycle will have an annual scheduled maintenance, to be performed by a repair shop/ technician that is approved by the Department. The program supervisor shall be responsible for arranging said maintenance.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Bicycles shall be properly secured when not in the officer's immediate presence. Bicycles shall be stored in the designated area of the Pueblo Municipal Justice Center when not in use.

427.7 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Colorado law, unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers

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must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

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Foot Pursuit Policy

428.1 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.

428.1.1 POLICY

It is the policy of this department 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 department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department 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 department personnel.

428.2 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. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area

(b) Canine search

(c) Saturation of the area with patrol personnel

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(d) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

428.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with the Communications Center or with backup officers.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

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(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

428.4 RESPONSIBILITIES IN FOOT PURSUITS

428.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

428.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

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Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

428.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

428.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, the Communications Center personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, the Communications Center personnel shall also:

(a) Clear the radio channel of nonemergency traffic.

(b) Repeat the transmissions of the pursuing officer as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as indicated.

(f) Coordinate response of additional resources to assist with the foot pursuit.

428.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may advise the initiating officer that he/she need not complete a report to document the incident.

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Automated License Plate Readers (ALPR)

429.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. The ALPR is used by the Pueblo Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

429.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Operations Bureau Chief. The Operations Bureau Chief will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

429.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) If practicable, the officer should verify an ALPR response through the Colorado Bureau of Investigation before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may access the Colorado Bureau of Investigation data unless authorized to do so.

429.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Pueblo Police Department and because such data may contain confidential information, it is not open to public review. ALPR

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information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Operations Bureau Chief is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by department records retention guidelines and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

429.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Pueblo Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile work station and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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Homeless Persons

430.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Pueblo Police Department recognizes that members of the homeless community are often in need of special protection and services. The Pueblo Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

430.1.1 POLICY

It is the policy of the Pueblo Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

430.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the homeless liaison officer. The responsibilities of the homeless liaison officer include:

(a) Maintaining and making available to all Department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintaining a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include proper posting of notices of trespass and cleanup operations.

(e) Being present during any cleanup operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Developing training to assist officers in understanding current legal and social issues relating to the homeless.

430.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for Community Oriented Policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a

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breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

430.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

430.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

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Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department homeless liaison officer. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to the homeless liaison officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform the Department homeless liaison officer if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of the homeless liaison officer to address the matter in a timely fashion.

430.5 MENTAL HEALTH DISORDERS AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental health disorder or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental health disorder hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

430.6 ECOLOGICAL ISSUES

In consideration of the potential for substance abuse and chemical dependency among the homeless population, officers are encouraged to take the least coercive among reasonable alternatives when dealing with homeless persons who are suspected of being under the influence of alcohol and/or drugs. Officers should consider referral to available community resources as an alternative to the Criminal Justice System. This policy shall not prohibit officers from taking lawful, legal enforcement action, however, when circumstances indicate that such is the most favorable course of action.

430.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Dangerous Animal Situations at Pueblo Zoo

431.1 PURPOSE AND SCOPE

The Pueblo Zoo is a nationally accredited facility that covers 25 acres in the southwest quadrant of Pueblo City Park. It is home to more than 300 animals of over 100 different species. Some of those animals could be considered dangerous to human beings should they escape from their environments, or should human beings enter into their enclosures. Among the potentially dangerous animals residing at the zoo are African lions, sun bears, bobcats, bison, zebras, and other large hoofed stock.

As the safety of zoo visitors, staff members, the general public, and the animal inhabitants of the zoo is a top priority of both the Pueblo Zoo and the Pueblo Police Department, several joint procedures have been established to better manage dangerous zoo animal situations. It shall be the policy of the Pueblo Police Department to respond immediately to all reported animal emergencies at the zoo, and to assist zoo staff and personnel in implementing those procedural guidelines.

431.2 ANIMAL ESCAPES ON ZOO GROUNDS

It is the responsibility of the Zoo Firearms Team to handle animal emergencies on zoo grounds. The primary responsibility of the Department during an escape incident on zoo property is to assist zoo personnel. Should a dangerous animal escape onto zoo grounds, the Zoo Firearms Team will immediately respond and an emergency call will be placed to the Communications Center. Upon receipt of the emergency call, the dispatcher will immediately dispatch at least two officers and a supervisor, along with an ALS engine company. The police and fire/medical personnel will respond to the parking lot at the front gate of the zoo, and there establish a command post. Officers shall stand by at the command post until directed otherwise. Zoo staff will contact and maintain a liaison with the police/fire command post. The ALS engine company will stand by at the command post, unless human injuries are reported at a location inside zoo grounds.

The responding police officers will not enter zoo grounds unless requested by zoo staff. Generally, the assistance requested will involve evacuation of humans from all or part of the zoo, as determined by zoo staff. The officers may also be asked to assist the Zoo Firearms Team in locating the escaped animal, however the officer will allow the Zoo Firearms Team to recapture, immobilize, or terminate the animal, utilizing the specialized equipment, munitions and training at their disposal.

431.3 HUMAN INTRUSION INTO ANIMAL ENCLOSURES

The Zoo Firearms Team is responsible for handling emergencies involving unauthorized human intrusion into animal environments. In many situations, zoo staff may be able to rescue a human without having to use immobilization drugs or firearms. It is imperative that police officers do not enter into animal enclosures to assist with the control or termination of animals, or the rescue of unauthorized persons inside the habitat, while the Zoo Firearms Team is so engaged. Officers

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shall only enter zoo grounds when requested by zoo staff. If the Zoo Firearms Team is unable to respond, officers may then enter the grounds and the enclosures to rescue the intruder. Though every effort should be made to corral and separate the animal(s) from the intruder and other human beings prior to extrication of the intruder, the officers may take any action necessary, including the use of deadly force against the animal, to protect human life.

431.4 ANIMAL ESCAPES OFF ZOO GROUNDS

Should a dangerous animal escape zoo grounds into the community, the responsibility of the responding officers will shift from providing assistance to managing the search for, and recapture of, the animal. As the Zoo Firearms Team has specialized training in specific animal behavior and methods of animal control and capture, the officers will work with the Zoo Firearms Team to recapture or neutralize the animal. Though the desired outcome of any escape incident is recapture without harm or damage to the animal, the safety of the public, and of police and zoo personnel, is of primary importance. Accordingly, officers may take any action necessary to counter any imminent threat to humans posed by the escaped animal.

During the active search for the animal, officers should be armed with shotguns or rifles; handgun fire may not effectively neutralize certain wild animals. The officers should rely upon the expertise of the Zoo Firearms Team members for guidance in potential encounters with dangerous animals.

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Alarm Responses

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees of this department with guidelines for enforcement of the City of Pueblo Alarm Code (Ord. No. 8400 § 2, 11-14-11). The purpose of the Alarm Code is to protect and promote the health, safety and general welfare of the residences of the City of Pueblo by reducing the number of false alarms to emergency response agencies. False alarms contribute to ineffective utilization of public safety manpower and equipment. In addition, false alarms require emergency responses which may cause vehicular accidents and delayed responses to genuine emergencies. It is in the public interest of the residents of the City of Pueblo and a proper exercise of the police authority to require the licensing and regulation of alarm companies.

432.2 DEFINITIONS

Definitions related to this policy include:

Alarm Administrator - The Chief of Police or any person designated by the Mayor to be responsible for the administration of the Alarm Code as it pertains to registration, false alarms, false alarm reduction and the Department's response to activated alarms.

Alarm company - A person or entity, other than a governmental entity, engaged in the business of selling, altering, installing, leasing, maintaining, repairing, replacing, servicing, monitoring or responding to an alarm system located within the City of Pueblo.

Alarm permit - A permit issued by the City of Pueblo allowing the operation of an alarm system within the City.

Alarm signal - A detectable signal, audible, visual or electronic, generated by an alarm system to which law enforcement is requested to respond.

Alarm site - A single premises or location served by an alarm system. In a multi-tenant building or complex, each tenant unit shall be considered a separate alarm site if individually controlled.

Alarm system - Any single device or assembly of equipment designed to detect unauthorized entry and to signal the occurrence of an illegal or unauthorized entry or other illegal activity requiring immediate attention to which law enforcement is requested to respond. An alarm system does not include:

(a) An alarm installed on a vehicle, unless the vehicle is permanently located at a site,

(b) An alarm designed to alert only the inhabitants of the premises that does not have a sounding device audible outside of the alarm site,

(c) Medical panic alarms or fire alarms, or

(d) Proprietary alarm systems which are not monitored by a licensed alarm company and which result in the notification of only private, on-site personnel when activated.

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Alarm user - Any person, tenant, lessee, firm, partnership, company, association, proprietorship, corporation or government entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of the premises.

Computer Aided Dispatch (CAD) - System used to generate, analyze, track and record all calls for service and the associated data for same. Data captured includes time received, time dispatched, time of arrival, case report number, officers assigned, and additional narrative pertinent to the call for service.

Enhanced Call Verification (ECV) - Protocol that requires the alarm company to make a minimum of two calls to two different alarm user contact numbers, by telephone or other electronic means, in order to attempt to determine whether the alarm is false prior to making a dispatch request to the Department. ECV does not apply to robbery alarms and/or panic alarms.

False alarm - The accidental, unintended, inadvertent or erroneous activation of an alarm by the alarm user, or the unintended activation of an alarm through equipment malfunction, causing law enforcement to respond when no crime or other physical emergency has actually occurred. A false alarm response means that a police officer arrived on the scene. Cancellation of the request for response prior to a police officer arriving at the scene shall not be considered a false alarm response. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent natural conditions or other events beyond the control of the alarm user (e.g. power outage).

Panic alarm - An alarm generated by the manual activation of any system, device or mechanism to signal a life-threatening or emergency situation requiring immediate police response in order to avoid bodily harm.

Robbery alarm - An alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery is in progress and that a person is in need of immediate police assistance in order to avoid bodily harm.

432.3 CIVIL PENALTIES

(a) Two or more false alarms within a calendar year is excessive, constitutes a public nuisance and shall be unlawful. Civil penalties for false alarms within a permit (calendar) year may be assessed against an alarm user as follows:

1. First false alarm - No civil penalty
2. Second false alarm - $50 penalty
3. Third false alarm - $100 penalty
4. Fourth false alarm - $150 penalty
5. Fifth false alarm - $200 penalty
6. Sixth or more false alarm - $400 penalty

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7. Response to nonresidential false robbery alarm - $200 penalty

(b) After the fifth false alarm from any alarm site within any calendar year, the Department shall have the discretion to suspend police response. Should the Department, in its sole discretion, choose to respond to a subsequent alarm condition at an alarm site that has had five or more false alarms within any permit year and determine that the subsequent alarm condition was false, the alarm user shall be assessed a civil penalty charge of four hundred dollars.

(c) Any alarm company or alarm user that fails to obtain a license, alarm permit, or to update information associated with a license or alarm permit as required shall be assessed a civil penalty in the amount of one hundred dollars.

(d) If an alarm user or alarm company fails to remit a false alarm penalty, the Department shall have the discretion to deny response to any subsequent alarm condition received from the alarm company, alarm site or alarm system.

(e) The decision to respond to any alarm condition, regardless of the number of false alarms recorded at the alarm site previously, if any, shall be made in the sole discretion of the Department. A decision to respond to an alarm condition at an alarm site shall not impose upon the Department a duty to respond to any future alarm conditions at that site.

432.4 APPEAL PROCESS

The City of Pueblo Alarm Code allows for written appeals related to assessments of penalties, denial, suspension or revocation of permits or license and suspension of response.

The Chief of Police, or anyone designated by the Mayor, shall conduct all appeal hearings pursuant to Chapter 7 of the Pueblo Municipal Code. The Chief of Police, or anyone designated by the Mayor, shall determine whether there is sufficient evidence to support the Alarm Administrator's decision, and shall have discretion to modify or refund any fees or false alarm penalties collected.

432.5 DOCUMENTATION OF RESPONSE

Citizens who have a false alarm event at their alarm site are entitled to due process in the form of an appeal. Keeping this appeal process in mind, officers shall document the cause of a false alarm in CAD notes, if known. The notes shall indicate the cause of the alarm (e.g., employee error, hail, wind, power outage, etc.). If the cause of the alarm is unknown, officers shall document such in CAD notes as well. If a resident or employee is contacted, the name should be documented in the CAD narrative. Providing this additional information assists the Alarm Administrator during call reviews and will also provide written documentation during an alarm appeal.

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Public Recording

433.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities. In addition, this policy provides guidelines for situations where the recordings may be evidence.

433.2 POLICY

The Pueblo Police Department recognizes the right of persons who are in public spaces, or locations where they have a legal right to be present, to record things in plain sight or hearing, including police activity. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Taking photographs or recording from a public place in and of itself does not constitute suspicious or unlawful activity. Any recordings that are deemed to be evidence of a crime will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record.

433.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Individuals may not interfere with law enforcement activity while recording.

433.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are interfering with law enforcement activity. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. Verbal advisements should be made before any enforcement action is taken.

Officers should document in a report any arrests, warnings or other significant enforcement activity that is taken related to recording.

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433.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

433.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa; CRS § 16-3-311):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording device is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant must be sought before seizing or viewing such recordings.

2. An arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording device or media. While the recording device or media may be seized incident to arrest, downloading, viewing, or otherwise accessing files or images requires a search warrant.

3. Files and media shall not be erased under any circumstances.

4. If the recording is seized so as to prevent serious bodily injury or death of any person, there must be probable cause that the immediate seizure of such recordings is necessary.

(b) There is probable cause to believe that evidence of a serious crime has been recorded and the person consents.

1. If practicable, the officer should obtain written consent. An officer may obtain verbal consent only when the officer desires only to view recorded material and seeking written consent is not practical.

2. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

(a) Before obtaining consent, the member shall provide the person with his/her identification, agency name and the reason the information is requested.

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(b) If the person voluntarily provides his/her device or media to the member, the search of the device or media shall be limited to the relevant recording and the device or media returned as soon as practicable.

3. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department device.

4. Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

433.6.1 SEARCH WARRANTS

When a member seizes a recording device or media without the person's consent or without a search warrant, a search warrant for the recording shall be sought within 72 hours of the seizure (CRS § 16-3-311).

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Crisis Intervention Incidents

434.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental health disorder despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

434.2 POLICY

The Pueblo Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Pueblo Police Department is further committed to dealing with persons in crisis in a compassionate, humane, safe and legal manner to protect the individual, their family members, the public and department members.

The Pueblo Police Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with persons in crisis. This is to ensure equitable and safe treatment of all involved. To this end, this department shall use, whenever possible, members of a specially trained group of sworn officers known as the Crisis Intervention Team, to intervene and de-escalate persons in crisis.

434.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental health disorder

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

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(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

434.4 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

434.5 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and guidelines, whether on the street or during more formal interviews and interrogations. Officers and others at the scene should:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

434.6 INCIDENT ORIENTATION

When responding to an incident that may involve a mental health disorder or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

434.7 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

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Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

Crisis Intervention Team members shall complete a Crisis Intervention Teams-Referral Management System (CIT-RMS) electronic data collection form, available on the Intranet site, in all intervention situations in which they participate, which will be forwarded to Health Solutions upon submission of the electronic form. The CIT-RMS shall be completed regardless of whether the subject is held on a civil commitment.

434.7.1 DIVERSION
Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

434.8 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and code enforcement issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

434.9 CRISIS INTERVENTION TEAM

The Crisis Intervention Team shall be composed of officers who have successfully completed Crisis Intervention Team certified training, including at least one sergeant who will act as the team coordinator. Additionally, in the interest of approaching the Crisis Intervention Team as a multifaceted community partnership, the Pueblo Police Department shall coordinate and work with mental health care providers, hospitals, advocacy groups, local and state law enforcement agencies and other interested entities.

Department members who wish to be considered for Crisis Intervention Team training shall submit a letter of interest to the Chief of Police via chain of command. Candidates must be recommended by their immediate supervisor. Preference will be given to candidates with at least two years of Patrol Division experience.

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434.9.1 CRISIS INTERVENTION TEAM USAGE

Whenever possible, a Crisis Intervention Team member shall be dispatched as the primary unit to calls for service involving persons in crisis. The Communications Center will be provided with updated lists of officers who are certified members of the Crisis Intervention Team.

Crisis Intervention Team members shall be permitted and encouraged to cross quadrant boundaries to handle appropriate calls for service, and shall be allowed to use all the time they deem necessary to successfully de-escalate persons in crisis. When not acting in a Crisis Intervention Team capacity, Crisis Intervention Team members shall perform their normal duties.

If the circumstances of a situation warrant the activation of the Special Weapons and Tactics Team and/or the Crisis Negotiation Team, continued use of the Crisis Intervention Team member will be at the discretion of the Tactical Commander.

When circumstances warrant, Crisis Intervention Team members may follow-up with the person who was in crisis and/or or the mental health agency that provided services to determine the outcome and to identify further action that may be required.

434.9.2 CRISIS INTERVENTION TEAM COORDINATOR RESPONSIBILITIES

The responsibilities of the Crisis Intervention Team Coordinator(s) include, but are not limited to, the following activities:

(a) Collecting completed Crisis Intervention Team data collection forms and forwarding copies to the designated authority,

(b) Coordinating Crisis Intervention Team certification and continuing education training,

(c) Serving as needed as a liaison to advocacy groups and other community stakeholders regarding mental health issues,

(d) Maintaining current lists of Crisis Intervention Team certified officers and community mental health resources, and providing such to the Communications Center and Training Section, and

(e) Completing other tasks as needed.

434.10 COMMUNITY MENTAL HEALTH RESOURCES

Members may access available community mental health resources at their discretion, based on the needs of the person in crisis. The Communications Center will maintain contact information for available community mental health resources. Members who need to access community mental health resources on behalf of persons in crisis should contact the Communications Center. The Communications Center will then contact the community mental health resource(s) on behalf of the requesting member.

Members may also contact community mental health resources directly by consulting the Community Resource List located on the Intranet site. Members are encouraged to provide persons in crisis with community mental health resource information when appropriate.

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434.11 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide documented entry level training to all department members to enable them to effectively interact with persons in crisis.

In addition to Crisis Intervention Team training, the Department will also develop and provide for its members documented refresher training in interacting with persons in crisis. This training shall be conducted on an annual basis.

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Civil Disputes

435.1 PURPOSE AND SCOPE

This policy provides members of the Pueblo Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Colorado law.

435.2 POLICY

The Pueblo Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

435.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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435.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

435.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

435.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

435.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Civil Disputes

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Medical Aid and Response

436.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

436.2 POLICY

It is the policy of the Pueblo Police Department that officers and other designated members be trained to provide various forms of emergency medical aid and to facilitate an emergency medical response.

436.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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436.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

436.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where a mental health disorder may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

436.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

436.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment, and distance or other known delays will affect the EMS response.

Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items above the head.
- Ensure that no one smokes near the aircraft.

436.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after the member has received the required training (CRS § 13-21-108.1).

436.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Support Services Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact the Communications Center as soon as possible and request response by EMS (CRS § 13-21-108.1).

436.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

436.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training that includes training in CPR and AED use is provided to members authorized to use an AED (CRS § 13-21-108.1).

The Support Services Manager is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (CRS § 13-21-108.1).

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436.9 ADMINISTRATION OF OPIATE ANTAGONIST

Only members authorized by the Department may possess or administer an opiate antagonist such as naloxone hydrochloride or any similarly acting drug for the treatment of a drug overdose. The medication shall be administered in accordance with written protocol specified by the medical professional who prescribed the overdose medication for use by the member (CRS § 12-30-110; CRS § 12-255-128).

436.9.1 OPIATE ANTAGONIST USER RESPONSIBILITIES

Members who are qualified to administer an opiate antagonist should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service.

Any member who administers an opiate antagonist should contact the Communications Center as soon as possible and request response by EMS (CRS § 12-36-117.7; CRS § 12-38-125.5; CRS § 12-42.5-120).

436.9.2 OPIATE ANTAGONIST REPORTING

Any member administering an opiate antagonist should detail its use in an appropriate report.

436.9.3 OPIATE ANTAGONIST TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer an opiate antagonist.

The Training Sergeant should coordinate training with the prescribing medical professional (CRS § 12-30-110; CRS § 12-255-128; CRS § 12-280-123).

436.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

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436.11 FIRST AID TRAINING

Subject to available resources, the Training Sergeant should ensure officers receive periodic first aid training appropriate for their position.

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Utility Terrain Vehicle Program

437.1 PURPOSE AND SCOPE

The Utility Terrain Vehicle (UTV) Program is established for the purpose of enhancing the Pueblo Police Department's patrol efforts and response capabilities in areas of the City of Pueblo where other department vehicles cannot safely travel due to rugged terrain or restricted access. This policy provides guidelines for the safe and efficient operation of the UTVs.

437.2 POLICY

UTVs may be deployed to any area at all hours of the day or night, according to the needs of the Department and as staffing levels allow. While UTVs may be used in a variety of functions, they are typically reserved for off-road patrol duties, search and rescue, and special events. UTVs shall be operated in compliance with the applicable laws of the City of Pueblo and the State of Colorado.

437.3 AUTHORIZED PERSONNEL

Only officers who have completed department-approved training shall be authorized to operate a UTV. Officers who have not completed the required training shall not operate a UTV, but may ride as a passenger.

437.3.1 UTV PROGRAM SERGEANT

The UTV Program Sergeant is responsible for the management of the UTV Program. The UTV Program Sergeant will be a sergeant assigned to the Patrol Division.

The UTV Program Sergeant is responsible for the following:

- Scheduling and coordinating preplanned activities, including the selection of officers who will participate in each activity.
- Maintaining a list of authorized officers.
- Monitoring the performance of authorized officers related to their operation of the UTVs.
- Organizing UTV training.
- Inspecting and maintaining the UTVs, the transport trailer and equipment.
- Scheduling maintenance and repairs.
- Determining where the UTVs and trailer are stored so that they can be deployed for both routine operations and emergency response as needed.
- Completing any other activities as required to efficiently manage UTV operation.

The UTV Program Sergeant should use his/her ongoing experience with these vehicles to continually develop and improve tactical and operational procedures, which maximize officer safety while making the best use of these assets in the service of the citizens of Pueblo.

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437.4 TRAINING

Officers must complete an initial department-approved UTV training course prior to operating a UTV. Thereafter, authorized officers shall complete periodic refresher training as directed by the UTV Program Sergeant. Initial training will include, at a minimum, the following:

- Equipment orientation and pre-ride inspection requirements.
- UTV safety and operation in difficult terrain.
- Operator responsibilities for preventive maintenance.
- Operation of the winch.
- Safe loading and unloading of the UTVs onto and off the UTV trailer, including tie-down usage.
- Proper trailer towing.

437.5 SAFETY EQUIPMENT

Operating UTVs in an off-road capacity can be dangerous. Officers operating or riding as a passenger in a UTV in an off-road capacity shall therefore wear safety equipment. Safety equipment includes a helmet and protective eyewear. Other accessories needed for individual safety (e.g., gloves, boots, etc.) may be worn as well.

Officers operating or riding as a passenger in a UTV in an on-road capacity, such as during a parade or street festival, are not required to wear safety equipment if wearing such would interfere with their duties/performance.

Whether on- or off-road, officers operating or riding as a passenger in a UTV shall always wear a seat belt.

437.6 CARE AND USE

Prior to the beginning of a UTV deployment, the assigned officer shall perform a vehicle inspection to confirm the UTV is prepared for safe operation. Vehicle fluids, tire pressure and safety systems such as lights and siren shall be inspected as part of the vehicle inspection. Starting mileage shall be documented in the UTV Log Book located in the UTV storage area. Any issues shall be reported to the UTV Program Sergeant.

At the end of a UTV deployment, the assigned operator(s) shall inspect the vehicle for any damage, indicators of unusual wear and tear, safety equipment malfunction, etc., and top-off any vehicle fluids. Any damage or abnormalities shall be documented in the UTV Log Book and reported to the UTV Program Sergeant. Ending mileage and engine hours shall be logged in the UTV Log Book.

437.7 OPERATION

The Pueblo Police Department's UTVs are primarily designed to be off-road vehicles and should be deployed in a manner that minimizes the need to operate them on public roadways, unless that roadway is closed for a parade or special event (e.g., a street festival). In any event in which

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a UTV must be operated on a public roadway that is not closed for a special event, the UTV's emergency lights shall be activated and the siren used when needed. Any deployments that are a distance from the UTV storage location will be accomplished by transporting the UTVs on the designated UTV trailer to a deployment site and then operating them from that site.

Officers operating UTVs are responsible for enforcing the laws of the City of Pueblo and the State of Colorado. Officers who observe a violation may use the UTVs, which are equipped with emergency lights and siren and clearly identifiable as police vehicles, to make a pedestrian stop. All pursuits are prohibited.

When larger numbers of UTVs are needed for a specific effort that is beyond the capabilities of the UTV Program, the applicable captain may contact the Pueblo County Sheriff's Office and/or other agencies for assistance with additional vehicles. These larger deployments may be in response to a search and rescue effort, wildfire, flooding, or a task that requires coverage of a large operating area.

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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 traffic law compliance. 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 department 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 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Pueblo Police Department. Information provided by the Colorado State Patrol (CSP) is a valuable resource for traffic accidents and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions (CRS § 42-4-101 and CRS § 42-4-104):

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500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings should be considered in minor traffic infractions and substituted for arrests or citations when the officer concludes that the type of violation, its severity and the violator's intent would be best corrected by not issuing a citation. Circumstances that do not result in a citation or arrest require providing a business card in compliance with the law, as outlined in the Bias-Based Policing Policy.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when lawful and 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. At the time a citation is issued, officers shall provide the following information, at minimum:

(a) Explanation of the violation or charge

(b) Court appearance date and time

(c) Location of the court

(d) Optional or mandatory nature of the court appearance by the motorist

(e) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(f) The court contact information

Refer to the Citation/Summons and Release Policy for further direction on issuing citations.

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)).

Officers should, when possible and appropriate, file traffic citations into Pueblo Municipal Court.

500.3.4 REFUSAL TO SIGN TRAFFIC CITATION

A person who refuses to sign a traffic citation for the violation of a traffic law that carries a jailable sentence, 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 reasonably determined, a summons shall be issued rather than making an arrest with "served" entered into the signature field. Should a person's identity be undetermined, a supervisor should be requested to assist with resolution of the incident prior to resorting to an arrest.

500.3.5 PHYSICAL ARREST

Physical arrest can be made 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.

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500.4 UNIFORM TRAFFIC LAW ENFORCEMENT

It is the goal of the Pueblo Police Department to uniformly enforce the traffic laws of the City of Pueblo and the State of Colorado while maintaining the ability of officers to employ officer discretion based on the varied factors encountered in the field. Uniform enforcement of traffic laws supports the ultimate aim of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations. While circumstances may vary and discretion allows officers to account for special circumstances, the subsections within this section provide guidance for officers in the performance of their duties related to uniform traffic law enforcement.

500.4.1 VIOLATIONS RESULTING IN TRAFFIC ACCIDENTS

When investigating traffic accidents, officers may make arrests or issue citations as follows:

(a) When the accident is the result of a traffic law violation, and

(b) To enforce non-accident related violations of the traffic law (e.g., registration, insurance, driver license violations, etc.).

As with all traffic enforcement scenarios, a physical arrest may be made when lawful to do so and the criteria for arrest have been met. Officers investigating traffic accidents shall otherwise issue traffic citations in accordance with the Traffic Accident Response and Reporting Policy.

500.4.2 DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS

Recognizing that impaired driving is a significant threat to the safety of others, the Pueblo Police Department will strictly enforce violations where a motorist is operating a motor vehicle under the influence of alcohol or drugs (DUI). Understanding the dangers involved with DUI drivers, and in order to ensure the safety of the community, it shall be the policy of the Pueblo Police Department that all DUI drivers will be arrested and booked into the Pueblo County Detention Center unless otherwise authorized by the on-duty Watch Commander. Examples of when this authorization might be appropriate would include injuries requiring extended medical treatment. Refer to the Impaired Driving Policy for further guidance on the handling of DUI incidents.

500.4.3 SUSPENDED OR REVOKED DRIVER LICENSE

Operators of motor vehicles, whose driving privileges have been suspended or revoked by the State of Colorado or any other state or jurisdiction, will be cited in accordance with department procedures.

(a) Suspended and revoked motorists, and motorists not issued a driver license, will not be allowed to drive away from the scene. Officers will be cognizant that they should not strand a motorist in a location that is either dangerous or affords no opportunity to secure assistance.

(b) Motorists not carrying their valid driver license may be allowed to drive from the scene at the officer’s discretion.

500.4.4 HABITUAL TRAFFIC OFFENDERS

Any officer contacting a driver who is listed as an Habitual Traffic Offender (HTO) with the Colorado Department of Revenue should issue a summons for the traffic charge(s) which was the probable

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cause for the stop (e.g., Speeding, Careless Driving, Defective Vehicle) and the charge of Driving While Under Revocation as an Habitual Traffic Offender. The officer will also issue a Proof of Service form (DR 2190) along with the summons. The driver will not be allowed to drive any further. Officers will be cognizant that they should not strand a driver in a location that is either dangerous or affords no opportunity to secure assistance.

500.4.5 SPEED VIOLATIONS

Motorists who operate a vehicle in excess of the posted speed limit or at speeds that are unsafe for conditions cause a large number of accidents involving serious injury. The Pueblo Police Department regards willful violations of the speed limit as serious and hazardous, warranting enforcement action. Speed violations should be handled with the issuance of a citation, taking into account an officer's ability to appropriately apply his/her discretion.

500.4.6 OFF-ROAD VEHICLES

Off-road vehicles, such as dirt bikes, mini bikes, motorized scooters, all-terrain vehicles, snowmobiles, etc., are not equipped or of sufficient power to be operated on public roadways. Officers should be knowledgeable of applicable laws and take enforcement action when off-road vehicles are operated on public roadways, taking into account officers' ability to appropriately apply discretion.

500.4.7 EQUIPMENT VIOLATIONS

In order for a vehicle to be operated safely, it must be properly and legally equipped. However, in many cases, a motorist may not be aware that a piece of equipment is not operating properly. Although officers have the ability to take appropriate lawful action for equipment violations, a warning by an officer may be all that is necessary to bring the motorist into compliance.

500.4.8 PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

Public carrier/commercial vehicle operators must comply with all applicable laws, rules and regulations. Traffic violations committed by operators of public carrier/commercial vehicles should be handled in the same manner as violations by drivers of private passenger vehicles, with the exception of enforcing those laws that pertain only to these specialized vehicles. The Pueblo Police Department Traffic Section or Colorado State Patrol may be called for assistance when warranted.

Officers stopping buses for traffic violations should keep in mind that a delay in the bus schedule affects many citizens. The duration of a traffic stop made on a bus should be very short. This may entail issuing the driver a citation at a later time. This does not include those violations that seriously endanger the public, such as operating a motor vehicle under the influence of alcohol or drugs (DUI). In these cases, the driver must be detained, no matter what the effect on the citizens or the bus schedule.

500.4.9 BICYCLE AND PEDESTRIAN VIOLATIONS

Officers will enforce pedestrian and bicycle traffic law violations following the same philosophy application to motor vehicle violations.

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(a) Bicycle – Colorado Revised Statutes 42-4-1412 states that any person who operates a bicycle upon a roadway will have all the rights and will be subject to all the responsibilities applicable to the driver of a motor vehicle.

(b) Pedestrian – The Colorado Revised Statutes governing pedestrian traffic generally state that pedestrians shall obey the instructions of any traffic control device, and must further use marked crosswalks when crossing a roadway. When no crosswalks are available, pedestrians must yield the right-of-way to vehicles upon the roadway. Refer to Colorado Revised Statutes 42-4-801 through 42-4-808 for regulations on pedestrian traffic while walking upon and traversing roadways.

500.4.10 OTHER HAZARDOUS VIOLATIONS

There are many traffic law violations that could be considered hazardous. Such violations are those that could, under certain circumstances, cause traffic accidents. Some examples of hazardous traffic law violations include, but are not limited to:

(a) Failure to Obey a Traffic Control Device

(b) Failure to Yield Right of Way (to another vehicle, bicycle, or pedestrian)

(c) Careless Driving and Reckless Driving

(d) Improper Lane Change/Usage

Hazardous traffic law violations should be handled with the issuance of a citation, taking into account an officer’s ability to appropriately apply his/her discretion.

500.4.11 NON-HAZARDOUS VIOLATIONS

Non-hazardous traffic law violations are those that are not likely to involve or expose persons or property to risk, loss, or damage (e.g., expired plates, no driver license in motorist's possession, etc.). The type of enforcement taken (i.e., the issuance of a citation or a warning) will be at the discretion of the officer. Any willful or wanton violation should be handled with appropriate lawful action.

500.4.12 MULTIPLE VIOLATIONS

When multiple violations occur, the seriousness of the violations and the circumstances surrounding the violations must be considered when determining the enforcement action to be taken. Officers will exercise discretion when dealing with multiple violations.

(a) A citation may be issued on all of the violations or on only the most serious or flagrant violation(s).

(b) In cases of multiple violations, charges will not be “stacked” on the violator. An example of stacking would be charging a motorist with Reckless Driving, and then charging Speeding, Failure to Obey a Traffic Control Device, and Improper Lane Change. The lesser charges are elements of the more serious charge.

(c) A physical arrest may be made when lawful to do so and the criteria for arrest have been met.

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500.4.13 NEWLY ENACTED LAWS/REGULATIONS

When new laws and/or regulations are passed and become effective, the enforcement guidelines prescribed within the text of each new law/regulation will be followed. Officers will keep current on new laws and regulations as they are enacted.

500.5 SPECIAL PROCESSING REQUIREMENTS

The traffic safety responsibilities of the Pueblo Police Department include taking enforcement action on many different segments of society, including residents of the City of Pueblo, citizens who reside outside the City of Pueblo, juveniles, legislators, foreign diplomats/consular officials, and military personnel. The subsections below provide direction on handling traffic law violations committed by the aforementioned segments of society.

500.5.1 NONRESIDENTS

In the course of their duties, officers will often contact motorists who have committed traffic law violations and who are not residents of the City of Pueblo. In these circumstances, officers should issue traffic citations as follows:

(a) The nonresident motorist should be issued the citation in the appropriate court for the violation. State charges should be issued into Pueblo County Court and municipal charges should be issued into Pueblo Municipal Court.

(b) The officer shall issue the appropriate court date using information from the court schedule page located on the Pueblo Police Department Intranet site. The officer shall then provide a verbal explanation of the traffic citation as outlined in this policy, including the consequences of nonpayment of the fine or the failure to appear in court.

(c) As outlined in this policy, a person who refuses to sign a traffic citation for the violation of a traffic law that carries a jailable sentence, 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 reasonably determined, a summons shall be issued rather than making an arrest with "served" entered into the signature field. Should a person's identity be undetermined, a supervisor should be requested to assist with the resolution of the incident prior to resorting to an arrest.

Nonresident motorists who commit traffic law violations that necessitate arrest (e.g., operating a motor vehicle while under the influence of alcohol or drugs) shall be processed in the same manner as any other person, in accordance with the provisions set forth in the Policy Manual and applicable law.

500.5.2 JUVENILES

Juvenile motorists who commit traffic law violations should be issued traffic citations as follows:

(a) The juvenile motorist should be issued the citation in the appropriate court for the violation. State charges should be issued into Pueblo County Court and municipal charges should be issued into Pueblo Municipal Court.

(b) The officer shall issue the appropriate court date using information from the court schedule page located on the Pueblo Police Department Intranet site. The officer

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shall then provide a verbal explanation of the traffic citation as outlined in this policy, including the consequences of nonpayment of the fine or the failure to appear in court.

(c) As outlined in this policy, a person who refuses to sign a traffic citation for the violation of a traffic law that carries a jailable sentence, 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 reasonably determined, a summons shall be issued rather than making an arrest with "served" entered into the signature field. Should a person's identity be undetermined, a supervisor should be requested to assist with the resolution of the incident prior to resorting to an arrest.

(d) In some circumstances a protection issue may arise, in which case the juvenile should be released to a parent or legal guardian, pursuant to department policy. However, most traffic law violations do not require the notification of the parent or legal guardian.

Juvenile motorists who commit traffic law violations that necessitate arrest shall be processed in accordance with the provisions governing juvenile detentions and arrests set forth in the Policy Manual and applicable law.

500.5.3 LEGISLATORS

Traffic stops involving legislators from the State of Colorado should be treated as with any other citizen. The only exception is from Article V, Section 16 of the Colorado State Constitution, which states, "The members of the general assembly shall, in all cases except treason or felony, be privileged from arrest during their attendance at the sessions of their respective houses, or any committees thereof, and in going to and coming from the same; and for any speech or debate in either house, or any committees thereof, they shall not be questioned in any other place."

The Colorado Revised Statutes does not define arrest; however, the Criminal Procedure Guidelines and Officer Field Manual defines arrest as occurring when:

(a) An officer detains a person by physical force, coercive verbal commands, or by creating circumstances that would make it clear to a reasonable person that he is under arrest; or

(b) An officer detains a person for a longer period of time than the brief period needed to conduct an initial investigation following a stop; or you take any action which exceeds the stop power and is usually associated with arrest; or

(c) An officer transports a suspect, without consent, to a different location.

Legislator motorists who commit traffic law violations that necessitate arrest (e.g., operating a motor vehicle while under the influence of alcohol or drugs) shall otherwise be processed in the same manner as any other person, in accordance with the provisions set forth in the Policy Manual and applicable law. In the instance of a legislator arrest, the appropriate notifications shall be initiated in accordance with the Major Incident Notification Policy.

500.5.4 FOREIGN DIPLOMATS/CONSULAR OFFICIALS

While not common, there is the potential for officers to contact motorists who are foreign diplomats or consular officials. If an officer contacts a person who claims diplomatic or consular privileges

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and immunities, the officer should first and foremost follow the procedures set forth in the Foreign Diplomatic and Consular Representatives Policy to determine if further contact is permitted and what forms of enforcement action may be taken.

If the criteria set forth in the Foreign Diplomatic and Consular Representatives Policy have been met and the officer is permitted to issue a traffic citation to the motorist, the officer should proceed as follows:

(a) The motorist should be issued the citation in the appropriate court for the violation. State charges should be issued into Pueblo County Court and municipal charges should be issued into Pueblo Municipal Court.

(b) The officer shall issue the appropriate court date using information from the court schedule page located on the Pueblo Police Department Intranet site. The officer shall then provide a verbal explanation of the traffic citation as outlined in this policy, including the consequences of nonpayment of the fine or the failure to appear in court.

(c) The motorist may not be compelled to sign the citation.

In instances in which a foreign diplomat or consular official is suspected of operating a motor vehicle while under the influence of alcohol or drugs (DUI), officers shall proceed as follows:

(a) If the officer believes the motorist is too intoxicated to continue driving, the officer should not permit the motorist to continue to drive, even if the motorist may not be arrested due to privileges or immunities.

(b) DUI investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

The property of a person enjoying full criminal immunity, including his or her vehicle, may not be searched or seized. Vehicles may not be impounded or “booted”, but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.

Contacts with foreign diplomats and consular officials shall be fully documented in an incident report, and a copy of the report and citation shall be forwarded to the U.S. Department of State (DOS) via fax number (202) 895-3646. In serious cases, such as DUI and traffic accidents (including personal injury traffic accidents), telephonic notification to the DOS is required. During business hours (8 a.m. to 5 p.m. EST) the DOS should be contacted at (202) 895-3521. Outside of business hours, the DOS should be contacted at 1 (866) 217-2089.

500.5.5 MILITARY PERSONNEL

Due to the large military population in and around the City of Pueblo, it is not uncommon for officers to contact military personnel who violate traffic laws. Officers should be aware that military personnel, when driving federally-owned vehicles, are not required to obtain a state issued driver license (CRS § 42-2-102(1)(a)). Additionally, nonresident military personnel on active duty status are not required to obtain a Colorado driver license while stationed in Colorado, as long as they have a valid driver license from their state of residence (CRS § 42-2-102(1)(d)). Spouses of active duty military personnel likewise are not required to obtain a Colorado driver license as long as they

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have a valid driver license from their state of residence (CRS § 42-2-102(1)(e)). During contacts with military personnel and their spouses, officers should issue citations as follows:

(a) The motorist should be issued the citation in the appropriate court for the violation. State charges should be issued into Pueblo County Court and municipal charges should be issued into Pueblo Municipal Court.

(b) The officer shall issue the appropriate court date using information from the court schedule page located on the Pueblo Police Department Intranet site. The officer shall then provide a verbal explanation of the traffic citation as outlined in this policy, including the consequences of nonpayment of the fine or the failure to appear in court.

(c) As outlined in this policy, a person who refuses to sign a traffic citation for the violation of a traffic law that carries a jailable sentence, 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 reasonably determined, a summons shall be issued rather than making an arrest with "served" entered into the signature field. Should a person's identity be undetermined, a supervisor should be requested to assist with the resolution of the incident prior to resorting to an arrest.

Military personnel motorists who commit traffic law violations that necessitate arrest (e.g., operating a motor vehicle while under the influence of alcohol or drugs) shall be processed in the same manner as any other person, in accordance with the provisions set forth in the Policy Manual and applicable law.

500.6 HIGH-VISIBILITY VESTS

The Department 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 CFR 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.

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall 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 shall be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes. High-visibility vests should also be worn anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

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500.6.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained with each employee's personal protective equipment and shall be readily available when needed. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure that he/she is in possession of his/her personally-issued high-visibility vest.

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Traffic Accident Response and Reporting

501.1 PURPOSE AND SCOPE

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. The Pueblo Police Department prepares traffic accident reports in compliance with CRS § 42-4-1606 and as a public service makes traffic accident information available to the public.

501.2 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. All reported traffic accidents that occur on Interstate-25 shall require an emergency response.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at an 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) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)

(e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary

(f) Traffic control and protection of the scene

(g) Clearance of the roadway

501.3 ACCIDENT INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

(a) Identification and interview of all involved parties

(b) Identification and interview of any witnesses

(c) Determination if any crime has occurred and taking appropriate enforcement action

(d) Identification and protection of items of apparent evidentiary value

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

Additionally, officers shall complete and provide an Accident Information Exchange Form to all drivers involved in any traffic collision involving more than one vehicle. If a traffic collision involves

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one vehicle which damages a person's private property, the owner of that property shall be provided with an Accident Information Exchange Form containing the information of the vehicle and its driver.

501.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Colorado law led to the accident, officers should issue a traffic citation to the offending driver. Officers may arrest a person when there is probable cause to believe that an offense was committed by the person to be arrested (CRS § 16-3-102).

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.4.1 WHEN CITATIONS ARE NOT ISSUED

In the vast majority of accident investigations, the investigating officer will be expected to issue a traffic citation to the driver(s) determined to have violated Colorado law and caused the traffic collision. Not all situations are the same, however, as special circumstances may exist that lead the officer to believe that the issuance of a traffic citation is not appropriate. Such "special circumstances" will normally be limited to mitigating factors that lessen the fault/negligence of the offending driver (e.g., inclement weather, forces of nature, wildlife crossing the roadway, etc.). Examples of situations in which a traffic citation may not be appropriate include, but are not limited to, traffic collisions with special circumstances, single vehicle accidents reported for insurance purposes and accidents on private property. Situations in which traffic citations are not appropriate are rare, however, and officers are expected to obtain prior approval from their supervisor to not issue a citation before releasing the scene and/or concluding the investigation.

In situations in which a traffic accident report is completed but no traffic citation is issued, the fields on the accident report that indicate a citation number shall be left blank and the officer shall clearly indicate in the narrative field that no citation was issued.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize forms approved by the Department of Revenue, Motor Vehicle Division (CRS § 42-4-1608) for the reporting of traffic accidents. All traffic accident reports taken by members of this department shall be forwarded to the Traffic Sergeant for approval and data entry into the records management system.

501.5.2 TRAFFIC SERGEANT RESPONSIBILITIES

The Traffic Sergeant will be responsible for:

(a) Monthly and quarterly reports on traffic accident statistics, to be forwarded to the Operations Bureau Chief or other persons as required.

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(b) Forwarding the traffic accident report to the Department of Revenue, Motor Vehicle Division within five days of receiving information regarding the accident or upon the completion of the investigation if the accident did not involve injury or death and the property damage is reasonably believed to be no more than $1,000 (CRS § 42-4-1606).

(c) Obtaining all updates in the Colorado Traffic Accident Reporting Manual, distribution of the manual and updates and ensuring conformity with this policy.

501.5.3 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report. A written supplemental report may be made by any authorized employee.

501.6 REPORTING SITUATIONS

501.6.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES

Traffic accident investigation reports shall be taken when a City-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the accident occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Bureau Chief.

Photographs of the accident scene and vehicle damage shall be taken, and a diagram of the accident shall be included in the report. The involved employee's immediate supervisor shall complete a Pueblo Vehicle Accident Investigation Report.

501.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES

When an on-duty employee of this department is involved in a traffic accident within the jurisdiction of the Pueblo Police Department and it results in a serious injury or fatality, the Watch Commander should notify the Chief of Police via the chain of command. Incidents that meet the criteria for a response by the Tenth Judicial District Critical Incident Team shall be investigated in accordance with the protocol established in the Officer-Involved Incident Protocol of the Tenth Judicial District. Assistance may be requested from the CSP or other outside agency for the investigation of incidents that do not meet the criteria for a response and investigation by the Tenth Judicial District Critical Incident Team, subject to the discretion of the Chief of Police.

The term serious bodily injury is defined as bodily injury that involves a substantial risk of death, serious permanent disfigurement, protracted loss or impairment of bodily function (CRS § 18-1-901(3)(p)).

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501.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Watch Commander may request assistance from the CSP or other outside agency for the investigation of any traffic accident involving any City official or employee where a serious injury or fatality has occurred.

501.6.4 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS
Department members should summon Animal Control when a traffic accident involves disposition of an injured animal.

501.7 NOTIFICATION OF TRAFFIC SERGEANT
In the event of a serious injury or death-related traffic accident, the Communications Center shall notify the Traffic Sergeant to relate the circumstances of the traffic accident and seek assistance from the traffic officers.

501.8 NOTIFICATION OF NEXT OF KIN
If a traffic accident causes a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim’s next-of-kin takes place in accordance with the procedures set forth in the Victim and Witness Assistance Policy.

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Traffic Direction and Control

502.1 PURPOSE AND SCOPE

The purpose of manual traffic control is to ensure an orderly flow of traffic with the safety of all motorists, pedestrians and public safety personnel in mind. Incidents in which manual traffic control may be used include traffic accident scenes, fire scenes, hazardous situations on or near the roadway, special law enforcement operations, or special events (e.g., parades, large gatherings, etc.).

502.2 ACCIDENT SCENES

When arriving on the scene of a traffic accident, an officer will assess the area, park his/her cruiser in a highly visible location where it will not add to the congestion, and activate the overhead emergency lights and traffic arrow. Additionally, the officer will perform the following procedures:

(a) Upon exiting the cruiser, the officer will wear his/her reflective traffic vest.

(b) If additional manpower is needed to establish appropriate traffic control, the officer will make a request via the Communications Center and advise the responding units where they will be needed.

(c) The officer will use fuses or flares, when necessary.

(d) The officer will utilize uniform signals and gestures when directing traffic in accordance with the procedures set forth in this policy.

(e) When controlling traffic at the accident scene, the officer will ensure the safety of rescue, fire and law enforcement personnel who are working the accident scene.

(f) If the entire roadway needs to be closed, the officer should ensure that adequate warning is provided to motorists in advance of the closing in order to avoid further traffic accidents and congestion.

(g) An alternate route will be selected with roadway capacity and safety in mind. Alternate routes through residential and school areas should be avoided whenever possible.

502.3 FIRE/CRITICAL INCIDENT SCENES

At fire scenes or critical incident scenes, officers will park their cruisers at a safe distance from the scene, keeping in mind the accessibility for ingress and egress of fire, rescue, and other emergency vehicles. Alternate routes for motor vehicle traffic will be determined, and traffic diverted to those routes.

502.4 HAZARDOUS ROADWAY CONDITIONS

When an officer becomes aware of an existing or potential roadway hazard, the officer is responsible for taking action to control traffic and arranging for the hazard to be corrected. Additionally, the officer will perform the following procedures as necessary:

(a) If the hazard is in the form of debris or an abandoned vehicle, the officer will arrange for its prompt removal.

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(b) If the hazard is in the form of malfunctioning, missing, or downed traffic control devices, the officer will notify the Communications Center and request that the appropriate agency respond and repair or correct the hazard.

(c) If the hazard or potential hazard is in the form of roadway defects or defects in roadway safety features, the officer will notify the Communications Center and request that the appropriate agency respond and repair or correct the hazard.

Hazards may require officers remain at the scene until they are corrected or removed, keeping the safety of the motorists and pedestrians in mind.

502.5 INCLEMENT WEATHER CONDITIONS

When inclement weather conditions occur causing hazardous driving conditions, officers will evaluate the situation and arrange appropriate traffic control or maintenance. Officers will advise the Communications Center of what type of maintenance the situation requires (e.g., sand, salt, plowing, etc).

502.6 ROAD CLOSINGS

In instances of road closings due to flooding, trees down across roadway, etc., the responsible local, county or state agency will be notified via the Communications Center. If necessary, barricades will be requested in accordance with the procedures set forth in this policy.

502.7 MANUAL TRAFFIC DIRECTION AND CONTROL

Officers assigned to direct vehicle and pedestrian traffic will utilize uniform signals and gestures to enhance driver and pedestrian recognition of, and response to, their directions. Signals and gestures should be clear and easily understandable.

When an officer is directing traffic, it is necessary that the drivers and pedestrians using the roadway understand that the officer is there for that purpose and that he/she knows and uses standardized signals and gestures to stop, start, and turn traffic.

Directing traffic during an accident investigation will require the officer to communicate with the accident investigators to establish the safest route for traffic approaching the accident scene. Care should be taken to minimize the likelihood of secondary accidents by using the techniques listed below.

Any personnel directing traffic, or in the roadway controlling traffic, shall wear reflective clothing at all times. Refer to the Traffic Function and Responsibility Policy for further direction on high-visibility vests.

It is recognized that not all incidents requiring manual traffic direction and control are the same. Circumstances and conditions at different incident scenes may vary, such as the dynamics of the intersection or roadway, speed, availability of resources, etc. With that said, officers should first and foremost implement procedures, sometimes improvised, that ensure the highest level of safety for themselves and roadway users. To the extent that the procedures set forth in this subsection are applicable to any given incident scene, they should be followed as appropriate.

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502.7.1 POSITIONING AND POSTURE

To indicate that the officer is present for the purpose of directing traffic, the officer shall:

(a) Position himself/herself so that he/she can be seen clearly by all, usually in the center of the intersection or street;

(b) Stand straight with weight equally distributed on both feet;

(c) Allow arms and hands to hang easily at the sides, except when gesturing; and

(d) Stand facing, or with his/her back to, traffic that he/she has stopped, with his/her side toward traffic that he/she has directed to move.

502.7.2 STOPPING TRAFFIC

(a) The officer should first extend the arm and index finger toward, and look directly at, the person to be stopped until the person is aware, or that it can be reasonably assumed that the person is aware of the officer's gesture.

(b) The pointing hand is raised at the wrist so that the palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic already stopped.

502.7.3 STARTING TRAFFIC

(a) The officer should first stand with shoulder and side toward the traffic to be started, extending his/her arm and index finger toward and looking directly at the person to be started until that person is aware of or it can be reasonably assumed that he/she is aware of the officer's gesture.

(b) With the palm up, the officer's pointing arm is then moved from the elbow, only, through a vertical semi-circle until his/her hand is adjacent to his/her chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

502.7.4 RIGHT-TURNING VEHICLES

Right-turning drivers usually effect their turns without the necessity of being directed by the officer. When directing a right-turn becomes necessary, the officer should proceed as follows:

(a) If the driver is approaching from the officer's right side, the officer's extended right arm, index finger and gaze are first directed toward the driver, followed by the officer swinging his/her extended arm and index finger in the direction of the driver's intended turn.

(b) If the driver is approaching from the officer's left side, either the same procedure may be followed using the left arm extended, or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

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502.7.5 LEFT-TURNING VEHICLES

(a) Left-turning drivers should not be directed to effect their movement while the officer is also directing oncoming traffic to proceed. Therefore, the officer should either:

1. Direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a natural break in the oncoming traffic, or

2. Stop or hold oncoming drivers, after which the left-turning driver can be directed into their movement.

(b) The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left-turning drivers.

(c) Generally, officers will stop oncoming traffic by using the right arm and hand. The right hand should remain in the halt gesture, then the officer's extended left arm, index finger and gaze is directed toward the driver who intends to effect a left turn. When the left-turning driver's attention has been gained, the officer's extended left arm and index finger are pointed in the direction that the officer intends the left-turning driver to go.

(d) If the officer must clear the lane occupied by a driver who intends to make a left turn, but cannot because of oncoming traffic, the driver can be directed into the intersection and stopped adjacent to the officer's position until the left turn can be safely completed. The driver may be directed to move with one arm and hand gesture while the other arm and hand is utilized to point to the position at which the driver is to stop. After the driver is positioned within the intersection, the officer may either halt oncoming traffic and direct the completion of the left turn or permit the driver to effect the turn during a natural break in the oncoming traffic.

502.7.6 VERBAL COMMANDS AND SIGNALING AIDS

The voice is seldom used in directing traffic. There are numerous reasons why verbal commands are not used. Verbal commands are not easy to give or understand, and often lead to misinterpretations that are dangerous. Additionally, a command that is shouted can antagonize a motorist.

Occasionally a driver or pedestrian will not understand the officer's directions. When this happens, the officer should move reasonably close to the person and politely and briefly explain his directions. No officer shall exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the officer's directions.

In low light situations, the officer shall use his/her flashlight for increased visibility. To stop traffic using a flashlight, the officer should slowly swing the beam of the light across the path of the oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner with vehicle headlights providing illumination.

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502.8 TRAFFIC CONTROL SIGNALS

Vehicle and pedestrian traffic at intersections with malfunctioning traffic control signals will not be manually directed and controlled by officers unless directed by a supervisor. Intersections with malfunctioning traffic control signals will be treated as a four-way stop (CRS § 42-4-612).

Officers will not manually operate traffic control signals.

502.9 TEMPORARY TRAFFIC CONTROL DEVICES

Department-owned temporary traffic control devices such as cones and flares should be deployed by officers as needed to direct and control traffic. Situations in which cones and flares may be used include, but are not limited to, safely guiding traffic around traffic accident scenes and safely guiding vehicles through DUI checkpoint greeting areas.

Larger temporary traffic control devices such as signage and barricades, which are not owned by the Department, may be requested when long term traffic direction and control is anticipated. The request for larger temporary traffic control devices that are not owned by the Department shall be made by a sergeant or higher authority, who shall make such request via the Communications Center.

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Traffic Stops

503.1 PURPOSE AND SCOPE

Conducting traffic stops is a basic function of patrol and traffic officers. All too frequently, however, officers are injured or killed in the process. This policy was created to provide detailed procedures to officers for making contact with motorists, including methods for making effective stops that are safe for both the officer and the motorist. This policy includes approach procedures and establishes officer responsibilities for calling detailed information to the Communications Center to allow other officers to locate the stopping officer and provide assistance if necessary.

503.2 TRAFFIC VIOLATOR STOPS

When stopping a motorist for a traffic violation, the officer should do the following:

(a) After establishing probable cause for the stop, the officer should determine a safe place to conduct the stop. This should include consideration for the following:
    1. Traffic conditions
    2. Time of day
    3. Street type (e.g., residential street, major thoroughfare, highway, interstate, etc.)
    4. Lighting conditions
    5. Weather conditions

(b) Once a decision has been made to conduct the traffic stop, prior to activating emergency equipment, the officer should radio information to the Communications Center to include the following:
    1. Location of the stop
    2. Vehicle license plate number
    3. Vehicle make and model
    4. Vehicle color
    5. Number of occupants
    6. Updated stop location if vehicle continues past planned stop location
    7. The reason for the traffic stop may be included, and
    8. Whether or not a cover officer is needed

(c) On approach to the vehicle, the officer should consider the following:
    1. The safety of the occupants of the vehicle
    2. The location of the stop and the amount of traffic
    3. The officer can use the police vehicle PA system to direct the driver to another location if necessary for the safety of the officer and the motorist

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4. The officer can approach the vehicle from the passenger side in heavy traffic conditions and low light conditions
5. Watch the occupants of the vehicle on approach
6. Be aware of other vehicles that may be associated with the occupants of the vehicle

503.3 UNKNOWN-RISK STOPS

Unknown-risk stops carry risks to the safety of the officer conducting the stop, the motorist and other occupants of the vehicle, and community members. These stops may stem from suspicious vehicles or to stopping motorists for traffic violations where the occupants are acting suspiciously. Typically, these stops do not involve known crimes and do not rise to the level of a felony or high-risk stop, and the officer will need to weigh the nature of the contact against the level of force used (e.g., having the occupants exit the vehicle at gun point).

While conducting unknown-risk stops, the officer should follow the same procedures as for conducting traffic violator stops and request a cover officer. Consideration should be given to waiting for a cover officer to arrive prior to making the traffic stop and/or approaching the vehicle. The officer should cautiously approach the vehicle or consider requesting the driver to come back to the officer's vehicle, while maintaining a position of tactical advantage, depending on the circumstances.

503.4 HIGH-RISK STOPS

High-risk stops, commonly referred to as felony stops, carry a significant safety risk to the officers conducting the stop, the motorist and other occupants of the vehicle, and community members. These stops are usually a result of a stop of a known felon or suspect vehicle in a felony incident. When able, an officer should wait for additional cover officers to arrive prior to making the stop. If the attempted stop results in a pursuit, the officers involved shall follow the procedures governing vehicle pursuits set forth in the Vehicle Pursuit Policy.

Officers conducting high-risk stops should conduct the stop in accordance with training and consider the following:

(a) Once the vehicle is stopped, the officers should position themselves in a position of tactical advantage using available cover (e.g., engine block, trunk, or nearby cover such as a brick wall or large tree).

(b) Officers should not rush the vehicle. Rather, one of the officers should call the occupants of the vehicle back to the officers, one at a time, and secure and search each occupant of the vehicle for weapons.

(c) Once all visible occupants are out of the vehicle, officers should give orders for other occupants to exit the vehicle.

(d) Officers should then cautiously approach the vehicle using available cover officers and safe searching techniques (e.g., "cutting the pie" and "quick peek") to clear the interior of the vehicle as well as the trunk area. When clearing the trunk, officers should be

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aware that suspects may be in the trunk area waiting for the trunk lid to be raised. A cover officer should be positioned in a safe location, keeping in mind cross-fire, and not stand directly in front of the opening when the trunk lid is raised.

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Vehicle Towing and Release Policy

504.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Pueblo Police Department and under the authority of CRS § 42-4-1803.

504.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

504.2.1 COMPLETION OF VEHICLE IMPOUND/STORAGE FORM

Department members requesting towing of a vehicle shall complete and submit a Tow/Impound module that includes authorization pursuant to CRS § 42-4-1803(1)(b) for the tow truck operator to possess the vehicle. Two copies will be printed and signed by the vehicle operator/owner: one copy to be given to the tow truck operator and one copy to be given to the operator/owner of the vehicle.

504.2.2 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 the Communications Center. The tow company selected by the driver must be on the established rotational list. When there is no preferred company requested, or the company requested is not on the established rotational list, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated or for any reason it is necessary for the Department 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.

504.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department 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.

504.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, 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 tow company in rotation from the list of approved towing companies and shall make appropriate entry to ensure the next tow company is called.

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The dispatcher should promptly enter pertinent data (i.e., vehicle identification number and/or license plate number) into National Crime Information Center (NCIC) or Colorado Crime Information Center (CCIC) to determine if the vehicle has been reported stolen.

504.2.5 RECORDS SECTION RESPONSIBILITY

As soon as possible, but in no event later than 10 working days after having an abandoned motor vehicle towed, the Impounded Vehicle Unit shall report the same to the Department of Revenue, Motor Vehicle Division, by first class or certified mail, by personal delivery, or by Internet communication, as required by CRS § 42-4-1804(1)(b).

Impounded Vehicles Unit personnel shall make a good faith attempt to notify the owner and lien holder(s) of the abandoned vehicle within 10 working days 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)).

The Impounded Vehicles Unit 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)).

504.3 TOWING SERVICES

The City of Pueblo periodically selects one or more firms to act as official tow companies. Those tow companies 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.

(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 tow company has been selected, they shall be placed on a rotational list. Nothing in this policy shall require the Department to tow a vehicle.

504.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an 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.

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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 and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

504.5 VEHICLE INVENTORY

The contents of an impounded vehicle shall be inventoried and listed on an inventory form. The inventory search should include all open and unlocked areas of the vehicle, including the trunk and any other compartments. For the purpose of this section, an impounded vehicle is defined as a vehicle that has been taken into police custody by a department member and placed in a police facility for any reason and for any amount of time.

The purposes of an inventory search include protection of the owner's or occupant's property, protection of department members from liability based upon fraudulent claims of missing or damaged property, and protection of department members and the public from dangerous instrumentalities inside the vehicle. The scope and extent of inventory searches, therefore, must be reasonable and narrowly focused on achieving these purposes. An inventory search may not be a pretext for a criminal investigation in order to avoid the more stringent requirement of obtaining a search warrant.

Department members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. Some vehicles, however, may have extensive contents of little to no value, such as garbage. Department members are not expected to document every item contained in a vehicle (e.g., food wrapper). Rather, department members are only expected to document items of value. Whether or not an item holds enough value to justify its documentation on an inventory form will be left to the discretion of the department member conducting the inventory search.

Items inside a locked container or compartment are presumed to be protected. Department members should note on the inventory form if there are any locked containers or compartments in the vehicle. Locked containers or compartments should not be opened to inventory the contents unless exigent circumstances exist, the owner provides access or a warrant is obtained. If the container can be easily removed from the vehicle and it is apparent from the nature of the container that the items inside are valuable, department members should consider ways to further secure the container including, but not limited to, obtaining access to the locked container from the owner,

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placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

504.6 PRESERVATION OF EVIDENCE

An officer removing a vehicle pursuant to CRS § 42-4-1803, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

504.7 SECURITY OF VEHICLES AND PROPERTY

An officer should make reasonable accommodations to permit 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, unless, however, it would cause an unreasonable delay in the completion of the officer's duties or create an issue of officer safety.

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/or preserve the vehicle or property.

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Impaired Driving

505.1 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).

505.2 POLICY

The Pueblo Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Colorado's impaired driving laws.

505.3 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.

505.4 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.

505.5 CHEMICAL TESTS

A person implies consent under Colorado law to a chemical test or tests, and to providing the associated chemical sample, when an 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, or UDD) (CRS § 42-4-1301.1).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

505.5.1 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, if a person under the age of 21 is suspected of underage drinking and driving (UDD), the person may only submit to a breath test.

If a person is suspected of aggravated vehicular unlawful termination of a pregnancy, the type of test or tests shall be determined by the officer (CRS § 18-3.5-108).

For purpose of determining drug content within a person's system officers may select the most appropriate and viable test of the person's blood, saliva and urine. The arrestee is required to take and complete the selected test or tests (CRS § 42-4-1301.1(2)(b)(I)); CRS § 18-3.5-108).

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505.5.2 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.

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.

505.5.3 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.

505.5.4 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 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, Pueblo Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

505.6 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.

505.6.1 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

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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)).

505.6.2 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 or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time 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):

1. Criminally negligent homicide
2. Vehicular homicide
3. Assault in the third degree
4. Vehicular assault

505.6.3 FORCED BLOOD SAMPLE

If an arrestee 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 individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

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1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
2. 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.
3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted. Officers may physically restrain a person for the purpose of obtaining a sample only in cases of criminally negligent homicide, vehicular homicide, assault in the third degree, vehicular assault or aggravated vehicular unlawful termination of pregnancy (CRS § 42-4-1301.1; CRS § 18-3.5-108).

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample 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.

505.7 ARREST AND INVESTIGATION

505.7.1 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):

(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).

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).

505.7.2 COLLECTING SAMPLES

Arrestee samples shall be collected and processed in accordance with standards set by the Department of Public Health and Environment (5 CCR 1005-2:1 et seq.).

505.7.3 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).

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If an officer requests that a person submit to a blood, saliva 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).

505.7.4 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)).

505.7.5 OFFICER RESPONSIBILITIES

An officer believing that a person should be subject to license revocation as a result of DUI shall forward the following to the Division of Motor Vehicles (DMV) on the forms prescribed by the DMV (CRS § 42-2-126):

(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.

505.7.6 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. 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).

505.7.7 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 (CRS § 18-3.5-108; CRS § 42-4-1301.1):

(a) Have access to and analyze any blood, urine, or saliva 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 CRS § 13-90-107 relating to physician privileged communications do not apply to such test results.

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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; CRS § 42-4-1304).

505.7.8 MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD
A person who possesses a valid medical marijuana registry identification card (RIC) shall not be required to submit to a blood test solely based on the possession of the RIC (CRS § 42-4-1301).

505.8 TRAFFIC SECTION RESPONSIBILITIES

The Traffic Section will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

505.9 ADMINISTRATIVE HEARINGS

The Traffic Section will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Division of Motor Vehicles (DMV).

505.10 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.

505.11 INTOXICATED DRIVER CALL FOR SERVICE

This section provides guidelines on law enforcement responses to reports of suspected intoxicated drivers within the City of Pueblo.

505.11.1 LAW ENFORCEMENT RESPONSE
An "intoxicated driver call for service" includes information received by the Communications Center that the operator of a vehicle is suspected of being under the influence of alcohol, drugs, or both.

At least one officer will be dispatched to every report of a possible intoxicated driver call for service. To facilitate the quickest response possible, emergency services dispatchers will utilize the Automated Vehicle Locator (AVL) System within the Computer Aided Dispatch (CAD) System to identify and dispatch the closest available unit. Criteria such as the type of unit (e.g., traffic unit, patrol unit, identification unit, etc.) and geographical assignment (i.e., sector or quad) will not be considered.

An officer responding to a report of a suspected intoxicated driver shall thoroughly check the area before clearing the call. If the officer is unable to locate the suspect vehicle, they will clear with a disposition of "clear, no contact." That disposition information will be used by Communications Center personnel to clear the call.

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If there is no officer available to immediately respond to the intoxicated driver call for service, the information will be aired to units in the affected geographic area with a note entered into the narrative of the call documenting that the call was aired. The call will be left on the open calls screen for the next available officer.

Intoxicated driver calls for service will not be canceled unless requested or approved by a sergeant or Watch Commander. If a call is canceled at the request or approval of a sergeant or Watch Commander, their unit number will be assigned to the call. The call will then be cleared with the appropriate disposition.

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Traffic Citation Record Maintenance

506.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

506.2 RESPONSIBILITIES

Employees of this department shall use the approved traffic citation for all traffic offense citations.

The Watch Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law (CRS § 42-4-1707).

The Records Section is responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by the Records Section staff. Officers will sign for the citation books when issued.

506.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Watch Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Watch Commander may request that the Operations Bureau Chief recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to 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. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Bureau Chief for review.

506.4 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 citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Section, and Records Section staff will then void the citation in the Records Management System (RMS). Only department members of the rank of captain or higher may void traffic citations.

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506.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall be responsible for collecting the original citation and reissuing a corrected citation. Both the original and the corrected citation shall then be forwarded to the Traffic Section.

506.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the Traffic Section. The Traffic Section will sort the citations, create a tracking record for each citation, and then forward the citations to the Records Section to be entered into the secure RMS database. The Traffic Section will also forward copies of the citations to the appropriate court.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Section.

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Assistance to Roadway Users

507.1 PURPOSE AND SCOPE

The Pueblo Police Department has adopted this policy regarding the provision of general and emergency assistance to roadway users, including motorists in disabled vehicles, within this organization's jurisdiction.

507.2 OFFICER RESPONSIBILITIES

507.2.1 GENERAL ASSISTANCE

Officers are responsible for making a reasonable effort to provide general assistance to roadway users. General assistance includes, but is not limited to, the following:

(a) Providing information and directions to roadway users

(b) Providing a communications link to obtain needed services for stranded or disabled motorists

(c) Assisting stranded or disabled motorists in obtaining fuel

(d) Setting up devices such as flares and traffic cones to warn passing traffic of disabled vehicles

(e) Summoning towing services for motorists with disabled vehicles that need to be removed from traffic

(f) Protecting stranded persons by transporting them from hazardous situations to safe locations

If the officer who observes a roadway user in need of general assistance is assigned to a call of higher priority, the Communications Center should be advised of the location of the roadway user in need of assistance and the type of assistance needed. The Communications Center will then assign another available officer or other department member to respond as soon as practicable.

507.2.2 EMERGENCY ASSISTANCE

In the instance of a medical emergency, the officer discovering the incident shall immediately notify the Communications Center of the location of the incident, the nature of the medical emergency, the condition of the victim(s), and any other pertinent information to the best of his/her knowledge. After notifying the Communications Center, if safe to do so, the officer should render appropriate first aid, if practicable. The Communications Center will dispatch medical personnel to the scene to assist the victim(s).

In the instance of a vehicle fire, the officer discovering the incident shall immediately notify the Communications Center of the location and description of the vehicle. The Communications Center will then dispatch fire personnel to the scene. Officers on scene will direct nearby persons and vehicular traffic away from the fire hazard. An officer may utilize the fire extinguisher maintained in his/her department vehicle to suppress or extinguish the fire if appropriate and safe to do so.

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507.3 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 department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

507.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. Relocating a vehicle to a position of safety or removing a vehicle that is obstructing traffic pursuant to CRS § 42-4-1803(2) are not considered mechanical repairs.

Officers should, when practical, transport the motorist(s) to the nearest service station to acquire additional assistance or summon a tow truck to the scene to assist with the mechanical repairs. If only minor delays and repairs are expected, officers should attempt to provide an area where it is safe to do so.

When a motorist encounters mechanical trouble or other difficulty which requires the vehicle to be towed, or if the vehicle is creating a hazard and its removal is necessary to safeguard the motoring public, the officer should initiate the removal of the vehicle by summoning a towing company. The officer shall have the motorist select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Communications Center. The towing company selected by the motorist must be on the established rotational list. When there is no preferred company requested, or the company requested is not on the established rotational list, a company will be selected from the rotational list of towing companies in the Communications Center.

507.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department 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.

507.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Abandoned Vehicle Violations

508.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws under the authority of CRS § 42-4-1803, et seq.

508.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned motor vehicle -

(a) Any motor vehicle which is left unattended on private property for a period of 72 hours or longer without the consent of the owner or lessee of such property or the owner's or lessee's legally authorized agent and which is towed pursuant to the provisions of Section 15-1-8(a)(24) of the Pueblo Municipal Code;

(b) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of the City for a period of 72 hours or longer;

(c) Any motor vehicle stored in an impound lot at the request of the Department and not removed from the impound lot within 72 hours of the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

(d) Any motor vehicle which is towed pursuant to the provisions of Section 15-1-8(a)(24) of the Pueblo Municipal Code.

508.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Colorado laws shall be marked and noted on the Pueblo Police Department marked vehicle card or documented via the computer aided dispatch (CAD) system. No case number is required at this time.

A visible chalk or crayon mark should be placed on the rear window or 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 on the marked vehicle card.

The officer marking the vehicle shall be responsible for follow-up investigation after the designated time has expired to either ensure compliance or take further appropriate action.

508.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle impound/ storage form shall be completed by the officer authorizing the storage of the vehicle.

508.3.1 VEHICLE STORAGE REPORTING

The vehicle impound/storage form shall be submitted to the Impounded Vehicles Unit immediately following the storage of the vehicle. It shall be the responsibility of the Impounded Vehicles Unit

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to enter information from the vehicle impound/storage form into the Motor Vehicle Verification System and attempt to notify the owner as specified in the Vehicle Towing and Release Policy.

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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.

This policy is for internal use only and is not intended to create any duty to third-parties on behalf of the Department or form the basis for any civil or criminal liability. It is intended that violations of this policy may only form the basis for administrative actions by the Department.

600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete the following steps, at a minimum:

(a) Make a preliminary determination if a crime has been committed.

1. Observe all conditions, events and remarks.
2. Obtain an initial statement from any witnesses or complainants.
3. Conduct a cursory examination for possible evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Maintain and protect the crime scene.
2. Arrange for the collection of evidence in accordance with the Physical Evidence Policy.
3. Determine if additional investigative resources (e.g., investigators or crime scene processing) assistance is necessary and request assistance as required. If assistance is warranted, or if the incident is not routine, notify a supervisor or Watch Commander.
4. Make reasonable attempts to locate, identify and interview all witnesses, victims and complainants.
5. Make reasonable attempts to identify and locate the suspect(s).
6. Attempt to interview the suspect(s) in accordance with the Interviews and Interrogations - Constitutional Requirements Policy, when appropriate.
7. Take any appropriate law enforcement action.
8. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and/or what other resources may be available, and advise the complainant of this information.

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600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Criminal Investigation Division Captain. 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.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to 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

Follow-up investigations on all cases are evaluated and assigned by Criminal Investigation Division supervisors based upon caseload, case assignment and an evaluation of case solvability factors.

600.5.1 CASE SOLVABILITY FACTORS

Case solvability factors include, but are not limited to, the following:

(a) Reliability of witnesses

(b) Suspect is named.

(c) Suspect is described.

(d) Suspect's location is known.

(e) Suspect is identified.

(f) Suspect has been previously seen.

(g) Suspect vehicle is described.

(h) Suspect vehicle is identified.

(i) Property is traceable.

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(j) Modus operandi is significant.

(k) There is usable physical evidence.

(l) There was limited opportunity for anyone other than the suspect to commit the crime.

(m) The case may be solved with reasonable additional investigative effort.

(n) Other factors that are applicable only in exceptional circumstances include:

1. That the case is of significant importance to the community.
2. That there is potential, imminent danger to victims or witnesses.
3. The seriousness of offense.
4. That there is a characteristic pattern, frequency or modus operandi related to the case.
5. Management decisions to pursue a case regardless of solvability factors.

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 Department to modify the charges filed or to recommend dismissal of charges in a pending case shall be discussed with a Bureau 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 Services Bureau, should have completed training in follow-up investigations.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Sexual assault – Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 18, Article 3, Part 4 (Unlawful Sexual Behavior) of the Colorado Revised Statutes.

601.2 POLICY

It is the policy of the Pueblo Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.2.1 VICTIM CONFIDENTIALITY

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)).

The Department 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 "CONFIDENTIAL" shall be made on Department official records involving a victim of a sex crime.

601.3 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex crime shall:

(a) 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.

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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.
7. Child care services to enable testimony or otherwise foster cooperation in criminal proceedings.

(b) 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.

(c) 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.

601.4 QUALIFIED INVESTIGATORS

Qualified investigators from the Criminal Investigation Division will be available for assignment of sexual assault investigations. These detectives will:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

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601.5 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.6 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a detective.

No opinion of whether the case is unfounded shall be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6.1 TRUTH VERIFICATION EXAMINATIONS

Members of the Pueblo Police Department 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 (34 USC § 10451; CRS § 18-3-407.5).

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).

601.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. Forensic medical evidence shall be collected if the victim requests the collection (CRS § 24-33.5-113; 8 CCR 1507-29).

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

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No Pueblo Police Department member 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).

601.7.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (CRS 24-33.5-113; 8 CCR 1507-29):

(a) Obtain the victim's written consent prior to collection of any forensic medical evidence, using the form required by the Department of Public Safety (DPS)

(b) Submit evidence to the Colorado Bureau of Investigation or an accredited crime laboratory within 21 days, unless the victim withdraws consent

Forensic evidence associated with an anonymous report made pursuant to CRS § 12-240-139 shall not be submitted to a laboratory for testing (CRS § 18-3-407.5).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.7.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Members should deliver biological testing results to victims in a manner that minimizes victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.8 DISPOSITION OF CASES

If the assigned detective has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of his/her supervisor.

Classification of a sexual assault as unfounded requires the supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.9 CASE REVIEW

The Criminal Investigation Division Captain should ensure case dispositions are reviewed on a semi-annual basis using an identified group that is predominantly independent of the investigation

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process. The review group shall include the Crimes Against Persons Section Sergeant and the Special Victims Section Sergeant. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

A multidisciplinary response team and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Pueblo Police Department seizes property for forfeiture or when the Pueblo Police Department 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.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the Drug Enforcement Administration (DEA) case seizure agent.

Property subject to forfeiture - Property may generally be subject to forfeiture under the Public Nuisance Abatement Act and the Contraband Forfeiture Act when (CRS § 16-13-303; CRS § 16-13-307; CRS § 16-13-504):

(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 or purchase.

(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.

602.2 POLICY

The Pueblo Police Department 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 the Pueblo Police Department that all members, 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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602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer.

(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.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the DEA'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).

602.4 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 seizure forms 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) Check the property to determine if it has been stolen.

(c) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(d) Forward copies of the seizure forms and related reports to the forfeiture reviewer within 72 hours of seizure.

The officer will book seized property as evidence with the notation in the description narrative field of the property module, "Seized Subject to Forfeiture."

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Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

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 forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(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.

602.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly CRS § 16-13-501 et seq. and CRS § 16-13-301 et seq.

(b) Serving as the liaison between the Department and the DEA 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 made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(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 seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

    1. Names and contact information for all relevant persons and law enforcement officers involved.

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2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in 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, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) 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 supervisor who initiates a forfeiture case.
6. Any cash received is deposited with 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. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Selling or destroying forfeited property as ordered by a court (CRS § 16-13-506; CRS § 16-13-507; CRS § 16-13-311).

(k) Depositing 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.

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(l) 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.

(m) 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).

(n) Placing currency seized in an interest-bearing account during forfeiture proceedings after ensuring that portions of the bills have been photocopied for evidence at hearings (CRS § 16-13-510; CRS § 16-13-303).

(o) 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).

(p) Upon completion of any forfeiture process, ensuring that no property is retained by the Pueblo Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(q) Reporting seizure information within the required time periods (even if no forfeiture proceeds were received) to the Colorado Department of Local Affairs (DOLA) as set forth in CRS § 16-13-701.

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 directives.

602.7 DISPOSITION OF FORFEITED PROPERTY

No forfeited property shall be used and no forfeited proceeds shall be expended until the committee on the disposition of forfeited property approves (CRS § 16-13-702). Members are prohibited from purchasing forfeited property (CRS § 16-13-501.5; CRS § 16-13-302).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

602.8 FORFEITURE PAYMENTS FROM FEDERAL AGENCIES

Payments or distributions from a federal agency as a result of a forfeiture action may only be received by this department when the aggregate net equity value of the property and/or currency seized is in excess of $50,000, and a forfeiture proceeding has been commenced by the federal government related to a filed criminal case (CRS § 16-13-306.5; CRS § 16-13-504.5).

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Confidential Informants

603.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Pueblo Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential informant - A person who provides information about criminal activity to law enforcement officers, whose identity is privileged in order to insulate the informant from retribution by those involved in crime.

603.2 INFORMANT FILE SYSTEM

The Narcotics Section Sergeant or the authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

603.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. 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

(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) Places frequented

(h) Informant's photograph

(i) Evidence that a criminal history check has been made

(j) Briefs of information provided by the informant and his/her subsequent reliability; if an informant is determined unreliable, the informant's file will be marked as "Unreliable."

(k) Name of officer initiating use of the informant

(l) Signed informant agreement

(m) Update on active or inactive status of the informant

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The informant files shall be maintained in a secure area within the Narcotics Section. 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 investigators or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, the Services Bureau Chief, the Special Investigation Division Captain, the Narcotics Section Sergeant or their authorized designees.

603.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Special Investigation Division Captain. Should the requesting officer be from another division, the Special Investigation Division Captain shall consult with the affected captain before providing authorization. The requesting officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

603.3.1 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 the authorized designee.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, 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.

603.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Department informant agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved by the unit supervisor before being finalized with the confidential informant.

603.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Pueblo Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Pueblo Police Department shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be met:

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(a) Officers shall not withhold the identity of an informant from the Chief of Police, a Bureau Chief, the Narcotics Section Sergeant or their authorized designees.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Pueblo Police Department and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Section Sergeant.

(g) Officers shall be accompanied by at least one additional officer when meeting with informants.

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

603.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. To maintain a good accounting of such funds requires a strict procedure for disbursements.

603.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant
- Other factors that may motivate the informant

The Narcotics Section Sergeant will discuss the above factors with the Special Investigation Division Captain and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police or the authorized designee. The amount of payment will be based on the circumstances of the individual case.

603.5.2 PAYMENT PROCESS

The Secondary Investigative Cash Fund is an investigative cash fund managed by the Narcotics Section Sergeant in compliance with the Cash Funds Policy. These funds shall be maintained in

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a locked cash box that is secured in a locked cabinet, desk or drawer in the Narcotics Section Sergeant's office. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the Pueblo Colorado Police Department City Informant Fund (receipt ledger). The confidential informant will sign the receipt ledger indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. A unique identification number shall be recorded on the receipt ledger. A copy of the form will be maintained by the Narcotics Section Sergeant.

603.5.3 REPORTING OF PAYMENTS

Each confidential 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 confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant, then IRS Form 1099 should not be issued. In such cases, the confidential informant shall be provided a receipt identifying the amount paid to him/her. The receipt shall include a notice that the money may be taxable income that must be reported as “other income” on the confidential informant’s tax return. The confidential informant shall be required to sign the receipt, and a copy of the signed receipt shall be retained in the confidential informant’s file (26 CFR § 1.6041-3).

603.5.4 AUDIT OF PAYMENTS

Audits of the Secondary Investigative Cash Fund shall be conducted in accordance with the Cash Funds Policy.

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Criminal Information Section

604.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all criminal information systems operated by the Pueblo Police Department or in which the Pueblo Police Department participates, are utilized in conformance with the privacy and constitutional rights of individuals and to establish procedures to regulate the collection, processing and dissemination of criminal information. It is the policy of the Pueblo Police Department to collect, process and disseminate criminal information that is limited to criminal conduct and that relates to activities that present a threat to the community. Criminal information will be collected, processed and disseminated pursuant to all local, state and federal laws.

The Criminal Information Section (CIS) is a section within the Special Investigation Division (SID) and reports to the SID Captain, the Services Bureau Chief and the Chief of Police. The CIS is a support function for the entire Department for criminal information gathering and dissemination of criminal information. The CIS does not supplant intelligence operations regarding narcotics investigations or related crimes, but supports the Special Investigation Division. The mission of the Criminal Information Section is to identify, collect, analyze, verify, and disseminate criminal or potentially criminal information to enable a proactive and appropriate response to criminal activity in the community. The CIS values positive relationships with the citizens of the City of Pueblo, with federal, state and local law enforcement, and within the Department. The Criminal Information Section will provide support to all functions of the Department and serve as an information clearinghouse. Each project, task, or investigation will be conducted with consideration of the effect on the citizens for which the CIS serves.

604.2 DEFINITIONS

Definitions related to this policy include:

28 CFR Part 23 - A federal regulation for law enforcement agencies to implement standards for operating federally funded multijurisdictional criminal information systems. It applies to systems operating through federal funding under the Omnibus Crime Control and Safe Streets Act of 1968.

Criminal analyst - The position responsible for the detailed examination of collected information to discern complex relationships or patterns between people, places, or activities as a means to identify and develop responses to potential threats, criminal acts, or to focus criminal investigations.

Gang - An ongoing organization, association or group of three or more persons, with a common interest, bond or activity, characterized by the commission of, or involvement in, a pattern of criminal or delinquent behavior.

Gang associate - Any person who commonly associates with documented gang members and/or there is insufficient documentation to meet the criteria of a gang member.

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Gang event - Any incident, whether criminal or non-criminal, committed or undertaken by a gang member or on behalf of an allegiance to a gang.

Gang member - Any person who admits to membership in a gang and/or meets any two of the following:

- Authors gang graffiti
- Gang associates
- Gang clothing
- Gang mannerisms
- Gang moniker
- Gang tattoos
- ID gang member by law enforcement agency
- ID gang member
- Self admission

Hate crime - A criminal offense committed against persons, property or society that is motivated, in whole or in part, by an offender's bias against an individual's or a group's race, religion, ethnic/national origin, gender, age, disability or sexual orientation.

Hate incident - Any incident, whether criminal or non-criminal, committed against or targeting persons, property or society that is motivated, in whole or in part, by an offender's bias against an individual's or a group's race, religion, ethnic/national origin, gender, age, disability or sexual orientation.

Participating agency - Any local, county, state, federal, or other governmental unit, which exercises law enforcement or criminal investigation authority that is authorized to submit and receive criminal information.

Potential terrorist activity - Politically motivated actions or behaviors by a person, group, or organization that possess indicators of potential or real activities intended to inflict harm or instill fear to a select or mass group of individuals or property.

Terrorist - A person who, whether solely or with others, plans or carries out politically motivated activities intended to inflict harm or instill fear to a select or mass group of individuals or property.

Threat - An item, person, organization, activity, or situation that has the potential or possesses the capability or the intention to cause harm to any person or property.

Validation of information - Policies and procedures governing the periodic review of criminal information to assure its continuing compliance with system submission criteria established by program policy.

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604.3 HATE CRIME INVESTIGATIONS

If an incident is determined to be a potential hate crime or hate incident by the responding officer, the occurrence will be documented in an Incident Report. The following criteria will be used by the responding officer to establish the need for further investigation to determine whether the incident was a hate crime and detail the information in their Incident Report:

(a) Perceptions of the victim(s) and witnesses about the crime. A victim's perception is the single most important factor to consider, but victims may not always recognize the crime as motivated by bias. Victims should not be asked directly whether they believe they were the victim of a hate crime, but it is appropriate to ask if they have any idea why they were victimized.

(b) Perpetrator's comments, gestures or written statements that reflect bias, including graffiti or other symbols.

(c) Victim was engaged in activities promoting his/her group or community (e.g., clothing or conduct).

(d) Incident coincided with a holiday or date of particular significance.

(e) Any differences between perpetrator and the victim, whether actual or perceived by the perpetrator. Victims and perpetrators may appear to be from the same race, ethnicity/ nationality or religion, but it is the perpetrator's perception of difference (whether accurate or not) motivating his or her criminal behavior that would constitute a hate crime.

(f) Similar incidents in the same location or neighborhood indicating a possible pattern.

(g) Localized activity of organized hate groups.

(h) Absence of any other motive such as economic gain.

The CIS Sergeant will review all hate crime reports through the current Records Management System (RMS) and make a preliminary determination as to whether the case needs to continue investigation as an organized hate crime incident or a singular incident. Information regarding an organized hate crime incident will be forwarded to the appropriate CID section tasked with investigating the incident.

Cases normally assigned to a CID section will continue to be assigned to that section, and a support assignment will be made to the CIS as necessary to provide information regarding individuals or groups with ongoing hate crime involvement or who are the subject of continued hate crime investigations. This will be coordinated by the CIS Sergeant and the applicable CID section sergeant.

The CIS will work jointly with the assigned Crimes Against Persons Section detective on cases in which organized and/or systematic hate crimes are being perpetrated. The assigned CIS detective will assist in the investigation and assist in meeting the requirements listed below:

(a) A media briefing will be completed on hate crime cases that develop extraordinary media attention. This briefing will be provided by the Public Information Officer (PIO), or designee, during normal business hours or the Watch Commander after hours.

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(b) A case synopsis will be forwarded through the chain of command on hate crime cases that have the potential for major media coverage and/or community concern.

(c) The assigned CIS detective will maintain an active case file on all reported organized hate crimes in the RMS in the module used for maintaining information on groups who might be committing organized hate crimes, keeping their statuses "open/active."

(d) Each victim will be contacted by the assigned detective(s) regardless of the solvability factors. When reasonable, the assigned detective(s) will personally visit each victim of a hate crime. The victim will be assured of the importance of his or her case and explained procedures that will be used during the investigation.

(e) Each case will be evaluated for a neighborhood canvass with consideration of the victim's input. If the canvass holds a probability of gaining information about the incident, then the detective will explain this to the victim and investigate the case appropriately. The canvass will be used to obtain information as well as assure the community that the case will be given investigative attention.

(f) The assigned detective will consider the impact of the crime on the community and utilize appropriate resources to aid the community in dealing with the incident.

CID detectives, with necessary assistance from CIS detectives, will present hate/bias motivated cases to the District Attorney's Office under the enhanced penalty provisions, provided the elements of the offense can be proven by evidence and a direct motivation of hate/bias can be shown.

If a CIS detective responds to the scene of a hate crime, he or she should assist to ensure the following steps are completed when appropriate. If a CID supervisor or detective is on scene, this should be coordinated with the CID. If no CID personnel have arrived, the CIS personnel will initiate the steps:

(a) Interview the victim and offender separately and prepare a written statement from the victim, including any previous history of hate/bias incidents with the offender.

(b) Attempt to interview the offender and prepare a written statement.

(c) Collect any physical evidence to corroborate the motive of the offender.

604.4 DIGNITARY PROTECTION DETAIL

The CIS serves as a support unit and agency liaison for VIP visits to this jurisdiction.

(a) Preparation

1. The CIS will actively maintain partnerships with protecting agencies to ensure advance notice is given to the Department for any visit requiring security detail assistance from our agency.

2. The CIS will work with the protecting agency to determine potential threats or concerns that may need to be addressed prior to or during the time of the visit.

3. When requested by the protecting agency, a CIS detective will accompany that agency to conduct interviews with individuals who may pose a threat to the visit. The CIS will not conduct independent interviews with individuals unless there

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is a mutual agreement between agencies to do so, or a criminal act has or is about to occur.

4. CIS detectives will aggressively research all outlets of groups, organizations, or agencies that have an interest in the visit and may plan demonstrations, rallies, or protests of any kind. Any criminal information related to this type of activity will immediately be communicated with appropriate entities. A mutual response to this information will be determined.
5. CIS representatives will attend the protecting agency's briefing and meet with the intelligence personnel of the protecting agency's advance team. At minimum, the CIS should have an estimate of manpower needs from the Department.
6. The CIS will not provide "bodyguard" services for individuals requesting personal protection.

(b) Participation

1. At the protecting agency's request, the CIS will conduct an advance security inspection of the anticipated sites to be visited. Any concerns will be reported to the protection agency's supervisor in charge of the visit and the CIS Sergeant. Each concern will be addressed appropriately.
2. The CIS Sergeant will complete a lineup for the visit to include personnel requested by the protecting agency. This lineup will include, but is not limited to, name, radio ID, assignment, and mobile phone number. Each detective working the visit will keep a copy of names and contact numbers of other personnel working the visit.
3. During the visit, CIS personnel will dress accordingly depending on assignment and responsibilities. All CIS personnel are required to keep Pueblo Police Department identification on their person at all times.
4. CIS detectives will remain on the designated police radio channel unless circumstances require an absence of the radio, or for the radio to be turned off. In this instance, alternative communication means will be used. The detective will notify appropriate personnel in the event they must be without a police radio or if it is going to be turned off.
5. Detectives will not leave their assignments until notified by a supervisor or relieved by a designated replacement. Completion of any assignment will be determined by a supervisor or appropriate personnel from the protecting agency.
6. Any documents related to the visit that are sensitive in nature will be shredded or disposed of in an appropriate manner immediately after responsibilities of the visit are completed.

604.5 CRIMINAL GANG INFORMATION

The primary function of the criminal gang function is to coordinate the gathering, analyzing and sharing of gang related information. The CIS is not, however, a "Gang Unit." The CIS will coordinate gang enforcement activities, develop and coordinate educational programs for the Department and the community, and develop gang prevention and interdiction strategies.

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604.5.1 GANG INFORMATION

All criminal gang information developed by employees will be sent to the CIS.

(a) All gang contacts will be documented in a field interview module entry (FI record) through the RMS or transmitted by other means, such as email or memorandum, and sent to the CIS.

(b) The CIS will review the gang information and determine if additional follow-up investigation is necessary.

(c) The CIS will determine if proper documentation exists to satisfy entry into the Gang Information Database as a gang member or gang associate.

(d) The CIS will then enter the information into the current RMS gang module.

(e) All CIS members will comply with standards defined by federal regulation 28 CFR Part 23 as it applies to gang information.

604.5.2 GANG INVESTIGATIONS

The CIS Sergeant will review all gang related reports through the RMS. Any case that would normally be assigned to an investigative unit will continue to be assigned to that unit and CIS will support the investigation with any information available regarding the gang member or the gang. These will include cases such as homicide, rape, crimes against juveniles, robbery, etc. The CIS detective will support the investigation by meeting the requirements listed below:

(a) Each case will be investigated and the offense will be determined to be gang related, juvenile gang related or not gang related.

(b) The CIS detective will ensure that the demographics of the offense report accurately reflect that the offense is gang related.

(c) The CIS detective will document his/her findings in the gang module in the RMS and follow-up supplement in the incident report in the RMS.

(d) If the offense report indicates that graffiti is involved, the CIS detective will attempt to identify the gang and/or gang member with which the graffiti is associated. This is to include "taggers."

604.5.3 FBI SAFE STREETS TASK FORCE

The Department will maintain active participation in the FBI Safe Streets Task Force. CIS personnel assigned to the Safe Streets Task Force will be sworn as deputized Special Federal Officers and complete the appropriate security clearance through the FBI/DOJ. The CIS will keep a current memorandum of understanding with the FBI for personnel assigned to the Safe Streets Task Force.

604.6 DOMESTIC AND INTERNATIONAL TERRORISM

The CIS is committed to a proactive stance on terrorism. Any identified terrorist organization or individual engaging in terrorist support, acts, or plans will be fully investigated and targeted for prosecution.

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604.6.1 FBI JOINT TERRORISM TASK FORCE (JTTF)
The Department may assign a CIS detective as the liaison with the JTTF. The CIS detective assigned as the liaison with the JTTF will utilize only those investigative techniques consistent with Department standards and procedures.

604.6.2 INVESTIGATIONS
Cases with significant terrorism indicators will be referred to the FBI for a determination of jurisdictional assignment.

(a) Department personnel working terrorism cases will provide frequent case updates to supervisors chosen by the Chief of Police.

(b) Cases that are of interest to the Department, but are rejected for follow-up by the JTTF, will be assigned to CIS personnel for follow-up. All cases with a potential for a connection to terrorism will be fully investigated.

(c) Cases in which leads have been exhausted or non-existent will be reviewed by a supervisor prior to the detective determining it inactive.

604.6.3 INFORMATION
CIS personnel should seek out identifying information that could be an indicator of a terrorist act or terrorist organization. The prevention of terrorist acts is ideal in concept, but all acts of terrorism cannot be prevented. The CIS will strive to do everything possible to recognize and prevent terrorist activity. Internet research, media outlets, informant information, officer information and other sources will be utilized to identify data that may be of interest for terrorist investigations. All identified data will be analyzed for accuracy and appropriately disseminated.

604.7 CRIMINAL INFORMATION ANALYSIS
The CIS will collect, evaluate, analyze (with the assistance of the Department Crime Analyst) and disseminate information from all sources, on any person, group or organization that engages in criminal or potentially criminal activity. The Crime Analyst serves as a supportive resource for the investigation of criminal cases. The analysis of data will be conducted, when possible, using analytical software, report writing, link analysis, data entry, and other tasks.

(a) The CIS will utilize the Department Crime Analyst until such time an independent Information crime analyst is authorized and staffed.

(b) The Crime Analyst assists the primary officer/detective to develop hypothetical links related to suspects and cases, identify patterns or trends, perform research and data analysis, and prepare graphs and charts (e.g., link analysis, flow charts, etc.).

(c) The Crime Analyst will facilitate development sessions with investigative personnel to support the creation of visual presentation media such as link analysis diagrams, event flow analysis illustrations, and activity flow charts as well as supporting statistical graphs and reports through the application of various computer and analytical tools.

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(d) Analysis will include conducting background research and analysis on target subjects or locations to assist in the identification of complex relationships or patterns between people, places or activities through direct access to computer systems.

(e) The Crime Analyst will maintain current knowledge of collected information data, storage systems, and formats. The Crime Analyst will conduct periodic assessments of support requests to allow identification and development of more effective dissemination methods. This includes the facilitation of stakeholder identification, database creation and information access mechanisms.

(f) The Crime Analyst is responsible for developing and maintaining effective working relationships with analysts and other personnel from federal, state, and local agencies, private industries and public organizations to facilitate information sharing, joint identification of common problems and mutual development of response strategies.

(g) The Crime Analyst will help to ensure that all criminal information stored and disseminated is compliant with federal regulation 28 CFR Part 23.

604.8 CRIMINAL INFORMATION SECTION SERGEANT

The CIS Sergeant will be the first line of contact for officers, detectives and other agencies asking for assistance from the CIS. All storage, dissemination, and sharing of information will be compliant to federal regulation 28 CFR Part 23.

(a) Threat to Officer Bulletins

1. Officers who have encounters with subjects or receive information on subjects who hold a potential threat to police or the community will forward that information to the CIS.
2. The CIS will evaluate the provided information and obtain background information on the subject to include a photograph, criminal history, previous police encounters, etc.
3. Based on the information provided, the CIS will complete a threat bulletin on the subject for proper dissemination. The threat bulletin will include the source of the information, date, a summary of the incident, a photograph of the subject, and any personal information available on the subject (i.e., home address, vehicle information and date of birth).
4. A draft of the threat bulletin will be forwarded to the SID Captain for review prior to dissemination. Upon approval, the bulletin will be sent to appropriate personnel and agencies. All information shared with other agencies must be compliant with 28 CFR Part 23.

(b) The CIS Sergeant will be responsible for ensuring that the operations of the office move in an effective and efficient manner.

604.9 DATABASES

Databases will be used within the guidelines of departmental policy and federal, state, and local laws and regulations by all department personnel, regardless of rank or assignment. Databases include, but are not limited to the following:

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(a) TLO Search engine

(b) Department Gang Database

(c) Pawn Shop Database

(d) Master Names Module

(e) Field Interview Database

(f) Pueblo County Sheriff's Office RMS

(g) CopLink

604.10 REQUESTS FROM OTHER AGENCIES

The CIS is the source for outside agencies to obtain information and assistance from the Department. The CIS will be responsible for fulfilling many of these requests. Some of these requests include, but are not limited to:

(a) Background information on subjects

(b) Mug shots

(c) Lineups

(d) Employment security

(e) Information files

604.11 CRIMINAL INFORMATION FILES

The CIS holds a primary responsibility of the collection, storage and dissemination of information based on, or the potential of, criminal behavior. The CIS will follow the guidelines as governed by Federal Rules and Regulations 28 CFR Part 23 and Department directives. Information or data collected, stored (filed) and/or disseminated must comply with all state and federal law, Department directives and federal intelligence guidelines. Department criminal information can only be shared outside or within the agency on a "need to know" basis. All Department information files are to be considered sensitive in nature and not to be released to the media or general public without prior approval from the Chief of Police. In order to remain compliant with all governing laws, rules, regulations and directives, the Department will maintain its CIS based on, but not limited to, the following current standards:

(a) The office area of the CIS is a secure location with the capacity for controlling access of both law enforcement and non-law enforcement personnel. This office area will be locked during times when no CIS personnel are present and after regular business hours. Only the Chief of Police, Deputy Chiefs, Special Investigation Division Captain, Criminal Investigation Division Captain and CIS personnel will have unlimited access to the office area by way of key or electronic access. Personnel without proper access permissions will not be left in the office area without CIS personnel present.

(b) The CIS will maintain all electronic files within a restricted shared folder provided in the Local Area Network and in the Intelligence Module in the RMS.

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(c) The CIS will maintain any hard copied files inside the secure office area designated for the unit. Each filing cabinet containing criminal information will have the capability of being locked with keys and access limited to CIS personnel. Criminal information files will not be stored outside of the secure office area for any reason unless determined by the CIS Sergeant and authorized by the SID Captain. All CIS files will be maintained separately from other departmental files.

604.12 PURGING OF FILE RECORDS

The removal and subsequent destruction of all information files shall be in accordance with Department procedures and all local, state and federal regulations. All file material selected for purging and destruction shall only be removed and destroyed when it meets any of the following:

(a) No longer useful

(b) No longer relevant

(c) Invalid

(d) Inaccurate

(e) Outdated

(f) Unverifiable

(g) Inconsistent with the goals and objectives of the Department

604.13 SPECIALIZED EQUIPMENT

Members assigned to the CIS are to have direct access to any specialized equipment needed to support the information gathering function. This specialized equipment includes, but is not limited to audio and visual monitoring equipment, night vision equipment, dialed number recorders (pen registers), photography equipment, and surveillance vehicles. All members using this equipment will receive training in its proper and lawful use prior to using the equipment.

604.14 ANNUAL REVIEW

Annually, the Internal Affairs Section will conduct a review of all procedures and processes for the collection, processing, destruction and sharing of criminal information relating to criminal and homeland security activities.

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Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (CRS § 16-1-109).

605.1.1 DEFINITIONS

Definitions related to the policy include:

Blind – The administrator of a photographic lineup or field identification does not know the identity of the suspect.

Blinded – The administrator of a photographic lineup may know who the suspect is but does not know in which position the suspect is placed in the photographic lineup when it is viewed by the eyewitness.

Eyewitness or witness – A person who observed another person at or near the scene of an offense.

Eyewitness identification process - Any field identification or photographic identification.

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.

Photographic lineup - Presentation of an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons who are not suspected of the offense, to a witness either in hard copy form or via electronic means for the purpose of identifying or eliminating the individual as a suspect.

605.2 POLICY

The Pueblo Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

605.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification 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 member 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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605.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigation Division Captain shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that 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 instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (CRS § 16-1-109).

(g) If the identification process is a photographic lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness (CRS § 16-1-109).

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms shall be reviewed at least every five years and will be modified when necessary to ensure consistency with nationally recognized peer-reviewed research (CRS § 16-1-109).

605.5 EYEWITNESS IDENTIFICATION

Members 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. Members 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.

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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.

605.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (CRS § 16-1-109).

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.

605.7 PUBLIC ACCESS TO POLICY

This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

605.8 PHOTOGRAPHIC LINEUP CONSIDERATIONS

When practicable, photographic lineups should be presented “blind”, as defined in this policy. If it is impracticable to present a photographic lineup blind, then the member presenting the photographic lineup should take reasonable steps to do so “blinded”, as defined in this policy. Techniques to achieve a blinded presentation of a photographic lineup include randomly numbering photographs, shuffling folders or using a computer program to order the photographs in the lineup (CRS § 16-1-109).

Individuals in the photographic lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate photographic lineup should be conducted for each suspect. The suspects should be placed in a different order within each photographic lineup (CRS § 16-1-109).

The member presenting the photographic lineup to a witness should do so sequentially (i.e., show the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.

605.9 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 photographic lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a photographic lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

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(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:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(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, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up 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 subjects of the show-up one at a time.

(g) The person who is the subject of the show-up 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 a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

605.10 TRAINING

The Training Section shall provide state-mandated training to officers and other relevant personnel on methods and technical aspects of eyewitness identification policies and procedures (CRS § 16-1-109).

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Crime Stoppers

606.1 PURPOSE AND SCOPE

The Pueblo Crime Stoppers Program is used as an investigative tool to give citizens the opportunity to provide crime related tips based on anonymity and cash rewards. Rewards are offered to persons who furnish information leading to the arrest of individuals for criminal activity, assistance in solving open cases, apprehension of fugitives, recovery of stolen property, seizure of drugs, and any other outcomes determined by the Crime Stoppers Board of Directors. Crime Stoppers is a non-profit organization funded by private contributions outside of the Department; no rewards are paid by the Department or other public funding.

606.2 INTAKE OF INFORMATION

(a) Crime Stoppers will utilize a 24-hour telephone answering service to receive crime related tips.

(b) Department personnel assigned to Crime Stoppers will make every effort to validate information received. Information that cannot be validated will be disseminated appropriately with acknowledgment that the information has not been verified.

(c) Each caller is guaranteed anonymity and will not be required to furnish a name or any other personal identifying information. The caller will be issued a unique identification number in order to track the results of the information provided and assist with future payment verification. The caller will be instructed to periodically check back with the assigned Crime Stoppers detective to see if the information they provided resulted in a solution to criminal activity.

(d) Callers will be paid a cash reward for information that leads to the arrest of another individual. The Crime Stoppers Board of Directors will determine the amount of the cash reward.

606.3 DISSEMINATION OF INFORMATION

(a) A Crime Stoppers referral form will be completed with each tip that is provided through Crime Stoppers.

(b) The referral form will be forwarded to the appropriate supervisor or agency responsible for the investigation of the tip. Referral forms with tips related to vice, drug or organized crime activities will be forwarded to the Special Investigation Division Clerk, who will log and disseminate the forms for investigation by detectives according to the procedures set forth in the Narcotic Section and Criminal Information Section Standard Operating Procedures.

(c) A copy of the referral form will be maintained in the Crime Stoppers office and entered into the Crime Stoppers database.

(d) The investigating officer is given instructions to complete the bottom of the referral form indicating the results of the follow-up based on the information provided. This will

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allow for proper documentation of tips and determine the cash reward amount given to the informant.

(e) Department Crime Stoppers personnel will follow up with the investigating officer to determine the status of any referral form not returned within 30 days.

(f) All returned referral forms will be given a final disposition of: "Valid," "Invalid/ Unfounded," or "Retained for Information."

(g) Referral forms will be purged after two years unless a court order directs otherwise. This ensures a balance of funds and payments for Crime Stoppers financial records.

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Unmanned Aerial System (UAS) Operations

608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Certificate of Authorization (COA) - Authorization issued by the FAA which allows a public operator to engage in UAS operations within specific guidelines.

FAA Part 107 - A remote pilot certification which allows pilots to operate a UASs for commercial purposes. The FAA certifies the operator under this section to fly with specific restrictions which include operating only during daylight hours, within specific classes of airspace, within line of sight, under 400 feet above ground level, etc. The FAA can grant waivers to allow operation outside of these parameters.

Pilot in Command (PIC) - This person has the final authority and responsibility for the operation and safety of a UAS mission. This does not mean that the PIC has to be the person manipulating the controls, but rather that he/she is in a position of oversight where he/she can immediately step in and take control of the UAS.

Visual Observer (VO) - Person who is designated by the PIC to assist with situational awareness, maintaining visual line of sight (VLOS) with the UAS, and assisting with seeing and avoiding other air traffic or objects aloft or on the ground. In addition to controlling the camera operation, the VO must be able to effectively communicate the following:

(a) The UAS's location, altitude and direction of flight;

(b) The position of other aircraft or hazards in the airspace;

(c) His/her determination that the UAS does not endanger the life or property of another; and

(d) Communicate with other police units over the radio and communicate with the Pueblo municipal airport tower.

608.2 POLICY

Unmanned aerial systems may be utilized to enhance the department’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

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The Pueblo Police Department Unmanned Aerial System Unit will use this resource to provide efficient and effective support to help ensure the safety of first responders and citizens. This technology will allow first responders to gain a different perspective in order to mitigate the risk to life and property during scenes which can be complex and dangerous in nature. The UAS will also help to quickly document crime scenes and traffic accidents, provide over watch during high risk operations, and act as force multipliers to assist in locating missing individuals and fleeing suspects.

UAS operators will be knowledgeable of and abide by FAA regulations regarding UAS flight. UAS operators will ensure they have proper FAA waivers and certifications.

608.3 PRIVACY

The protection of our citizen's rights is a necessary factor that must be taken into consideration when deploying a UAS. UAS operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

If there is doubt about infringing on citizens' constitutional rights, UAS operators will ensure that a warrant has been obtained prior to conducting the given mission. UAS operators will balance all operations with the need to accomplish the mission while maintaining public privacy and the freedom from intrusion.

608.4 COMMAND AND SUPERVISION

Command of the UAS Unit will rest with the UAS Commander or his/her designee. A UAS Supervisor will be appointed. All UAS operators will report to the UAS Supervisor. In the even of the absence of the UAS Supervisor, the UAS operator with the most time as an operator will be in charge of the scene until it is relinquished.

608.4.1 UAS COMMANDER

The Operations Bureau Chief will serve as the UAS Commander, providing oversight of the UAS Unit. The UAS Commander will be responsible for selecting the UAS Supervisor.

608.4.2 UAS SUPERVISOR

Upon the recommendation of the Operations Bureau Chief, the Chief of Police will appoint a UAS Supervisor with at least the rank of sergeant who will be responsible for the management of the UAS program. The UAS Supervisor will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all UAS Operators have completed all required FAA and department-approved training in the operation, applicable laws, case law, policies and procedures regarding use of the UAS.

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- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the on-duty Watch Commander or acting Watch Commander.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system where the public can be notified of a UAS deployment if deemed appropriate based on the mission and safety concerns.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules. Refer to the Portable Audio/ Video Recorders Policy.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing quarterly reports on the program to the Operations Bureau Chief.

608.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant, court order or Constitutionally recognized exceptions to the Fourth Amendment.

UAS operations must abide by FAA regulations and must be conducted during daylight hours, below 400 feet elevation, within class G airspace, within line of sight, etc., unless the FAA has granted a waiver to these restrictions.

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A UAS is a versatile piece of equipment that can be used in a variety of situations, which include, but are not limited to:

- Crime scene documentation
- Search and rescue
- Barricaded persons
- Hostage situations
- Fleeing suspects
- Traffic crash investigation/reconstruction
- Disaster response (floods, earthquakes, etc.)
- Aerial surveillance
- HAZMAT response
- Perimeter searches
- Training activities
- Community relations activities (e.g., citizens' academy, Neighborhood Safety Night, etc.)
- Other situations where the UAS could be utilized to help ensure the protection of citizens and the safety of first responders

The UAS can also be deployed with permission from the Operations Bureau Chief or his/her authorized designee to aid other agencies within the city.

608.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

608.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule. Refer to the Portable Audio/Video Recorders Policy.

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608.8 REPORTING REQUIREMENTS OF UAS PILOTS

Due to the nature of UAS deployments, reports will be required as outlined in the Pueblo Police Department Unmanned Ariel System Standard Operating Procedures Manual for training, flight and missions.

At the conclusion of all missions, the PIC will notify the UAS Supervisor via email of such deployment and provide the following:

(a) Case number

(b) Reason for deployment

(c) Name of Watch Commander authorizing flight

(d) Result of deployment

(e) Issues or damage resulting from deployment

(f) Flight hours logged

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 MAINTENANCE OF STORED DEPARTMENT PROPERTY

All stored department property shall be maintained in a state of operational readiness by the employee or work unit to which the property is assigned.

700.3 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.3.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department 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 department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Bureau Chief that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. A review by the staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was

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assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.4 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Bureau Chief. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.4.1 DEFINITIONS

Definitions related to this policy include:

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 the Uniform Regulations Policy.

700.4.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made via memorandum. This memorandum is submitted to the employee's immediate supervisor along with paid receipts for repair or replacement and a copy of the incident report documenting the incident that resulted in the damage. If the officer is requesting replacement of any item, he/she will be required to turn in the damaged item along with the claim for reimbursement. Relinquishment of the damaged item is required before any request for replacement will be considered. All requests for reimbursement must be submitted no later than 10 days after damage or loss occurs. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memorandum to the appropriate Bureau Chief that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition. The supervisor's memorandum shall include his/her recommendations concerning the portion of the cost the Department should incur. Cost recommendations shall be based on the following factors:

- Current cost factors shall be used for police uniform items, and they shall be pro-rated based on a three-year life expectancy.

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- Cost factors for articles of civilian attire shall be in accordance with the following and shall be pro-rated on a two-year life expectancy. Reimbursement for damages shall not exceed:
    - $150 for eyeglasses, dentures or hearing aides
    - $100 for business suits or similar items
    - $50 for sport coats or similar items
    - $40 for slacks, skirts, or similar items.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work. Such items may be considered for partial reimbursement, but in no case will the Department reimburse the officer an amount greater than $50 for such items.

Damaged items turned in to the Department in accordance with this order will be destroyed.

700.4.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

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 is made.

700.5 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) 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.

700.5.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Pueblo, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

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These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Chief.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department 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.

701.2 POLICY

The Pueblo Police Department allows employees to utilize department-issued or funded 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 Department, 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.

701.3 PRIVACY POLICY

Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including the content of any such communications. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs 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 Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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701.5 ON-DUTY USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty:

(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) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(c) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(d) Department members are prohibited from taking pictures, video or making audio recordings 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.

(e) Employees will not access social networking sites for any purpose that is not official department business.

701.6 OFF-DUTY USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all off-duty use of PCDs by non-exempt employees for business-related purposes:

(a) Department-issued PCDs are **ONLY** to be used for business-related purposes, and only while on-duty. Employees are prohibited from using department-issued PCDs when off-duty, unless pre-approved by a supervisor.

(b) Employees in specialized assignments who are subject to call-out (e.g., Crimes Against Persons Section detectives who respond to and investigate incidents of homicide) may answer/respond to communication from an on-duty department member for potential activation. Upon an off-duty employee being activated in a call-out capacity, the employee will be considered on-duty for the duration of his/her call-out assignment and may resume utilizing his/her PCD for business-related purposes during that time.

(c) Employees are prohibited from using personally-owned PCDs for business-related purposes when off-duty, unless pre-approved by a supervisor.

(d) Employees who voluntarily place themselves on department overtime call-out lists are not eligible for overtime compensation when merely answering/responding to communication from an on-duty department member who is attempting to fill an overtime assignment.

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701.7 SUPERVISORY RESPONSIBILITIES

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.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

701.8 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.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE OR DAMAGED VEHICLES

When a Department 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. Officers who turn in vehicles for repair shall complete an online Mechanical Work Order. When a vehicle is damaged, a Report of Damage to Police Vehicle shall be completed and forwarded to the Watch Commander and the Support Services Manager. The Report of Damage to Police Vehicle shall be completed and submitted as soon as possible to facilitate the timely inspection and repair of the vehicle.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs of repair.

702.2.1 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. Such vehicles, if drivable, should not be parked in the Pueblo Municipal Justice Center secured parking lot, but rather should be parked in the Fleet Maintenance Department parking lot for efficient inspection and repair.

702.2.2 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.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

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702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- Chalk
- Crime scene tape
- Fire extinguisher
- Road flares
- Spare tire, jack and lug wrench
- Street broom
- Traffic cones
- Trauma kit

Officers shall also ensure that the following personally-issued personal protective equipment is carried in the vehicle:

- Alcohol hand wipes and hand sanitizer
- Disposable latex gloves
- NIOSH N95 particulate respirator
- High-visibility vest

Each officer shall complete a daily "Vehicle Equipment Inspection for Marked Patrol Cars" located on the Department Intranet site, which will inventory all supplies and equipment normally available in the vehicle. If any of the equipment is missing, is not operational, or needs to be replenished or supplemented, it shall be noted on the electronic form.

If there is an immediate need for replacement of any item, the officer should first attempt to retrieve the item from the Patrol Division Stock Room. If replacements are not available in the Patrol Division Stock Room, the officer shall send an email to the Support Services Manager and the Property and Evidence Section Sergeant informing them of which specific equipment or items have been depleted.

In addition to checking for the required equipment, officers shall also check all fluid levels, tires, all safety and emergency equipment, and also the interior and exterior to ensure the vehicle is in safe operating condition and prepared for emergency service.

702.3.2 UNMARKED VEHICLES

An employee driving an unmarked department vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- Crime scene tape
- Spare tire, jack, and lug wrench

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702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Officers shall refuel patrol vehicles prior to going off-duty. Vehicles shall only be refueled at an authorized location. All efforts should be made to enter accurate vehicle identification information and vehicle mileage into the fuel service control pad.

702.5 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.

Officers on patrol shall obtain clearance from the Communications Center before responding to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor. The City car wash utilizes inmate trustee labor in its car wash facilities. Officers must remain with their vehicles at all times while their vehicles are being washed.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

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Vehicle Use

703.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure City-owned vehicles are used appropriately. For the purposes of this policy, "City-owned" includes any vehicle owned, leased or rented by the City.

703.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

703.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow department members to respond to department-related business outside their regular work hours.

Department members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any department member operating a vehicle equipped with a two-way communications radio, MDT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

Officers assigned to routine scheduled patrol field duties shall log onto the MDT and input the required information when going on-duty. At the start of each shift, officers shall notify the Communications Center, via radio, of the vehicle they are driving. If the officer exchanges vehicles during the shift, he/she shall notify the Communications Center, via radio, of the new vehicle number. Officers shall also ensure that the correct vehicle number is entered on the daily schedule posted in the Briefing Room, and shall advise their supervisor of any discrepancies.

Supervisors shall ensure that the daily schedule accurately reflects the vehicles their direct reports are using for each shift.

Department members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. 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.

703.3.2 UNSCHEDULED USE OF VEHICLES

Department members utilizing a vehicle for any purpose other than their normally assigned duties shall promptly notify their immediate supervisor of the vehicle they are driving and the reason for use. A notation will be made on the daily schedule indicating the operator's name and vehicle

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number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, investigators).

703.3.3 UNMARKED VEHICLES
Except for use by the assigned department member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

703.3.4 AUTHORIZED PASSENGERS
Department members operating City-owned vehicles should not permit persons other than City employees or persons required to be conveyed in the performance of duty to ride as a passenger in their vehicle, unless otherwise authorized by the Chief of Police. Persons participating in the Ride-Along Program may ride as passengers in City-owned vehicles, subject to the provisions set forth in the Ride-Along Program Policy.

703.3.5 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, department members driving City-owned vehicles should obey all parking regulations at all times.

City-owned vehicles shall be parked within the fenced area around the Pueblo Municipal Justice Center or Police Annex. Employees shall not park privately-owned vehicles within the fenced area around the Pueblo Municipal Justice Center or the Police Annex, or in other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately-owned motorcycles are permitted to be parked within the fenced area of the Police Annex, provided they do not interfere with the parking of vehicles owned, maintained or in the custody of the Department.

703.3.6 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a department member shall be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

703.3.7 PRIVACY
All City-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No department member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.4 INDIVIDUALLY ASSIGNED VEHICLES
The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

703.4.1 SECURITY
Department members who have permission from the Chief of Police to take their individually assigned vehicle home shall ensure that all firearms and kinetic impact weapons are removed

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from the interior of the vehicle and placed in the trunk (if the vehicle is so equipped) or properly secured in the department member's residence when the vehicle is not attended (refer to the Firearms Policy regarding safe storage of firearms at home).

703.5 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be responsible for obtaining and maintaining their own keys. Department members assigned a permanent vehicle will be issued keys for their assigned vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

703.6 OFFICERS TO BE ARMED WHEN OPERATING MARKED VEHICLES

Officers shall, at all times while driving a marked City-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.7 MAINTENANCE

Department members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles, whether shift assigned or individually assigned. Department members may use the City car wash to wash their assigned vehicles. Cleaning and maintenance supplies will also be provided by the Department in case the City car wash is not available. Additionally, industrial car vacuums are provided at the Pueblo Municipal Justice Center.

Department members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make regular inspections of vehicles assigned to department members under their supervision to ensure the vehicles are being maintained in accordance with policy.

Routine maintenance and oil changes shall be done in accordance with the City maintenance shop schedule. When leaving a vehicle at the maintenance shop for routine maintenance, the department member will simply leave the vehicle in the shop parking lot. When leaving a vehicle at the maintenance shop for a repair, the employee must complete an online Vehicle Work Order. If the vehicle in individually keyed, the keys to the vehicle should be left at the shop office during normal business hours or the drop box during non-business hours.

703.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without prior written approval from the Chief of Police.

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703.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned vehicle is involved in a traffic accident or otherwise incurs damage, the involved department member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction.

When a collision involves a City vehicle or when a member of this department is an involved driver in an accident that occurs in this jurisdiction, and the accident results in serious injury or death, another agency should be summoned to handle the investigation. Incidents that meet the criteria for a response by the Tenth Judicial District Critical Incident Team shall be investigated in accordance with the protocol established in the Officer-Involved Incident Protocol of the Tenth Judicial District.

The department member involved in the collision shall complete a memorandum explaining the incident as well as a Report of Damage to Police Vehicle. If the department member is incapable, the supervisor shall complete the form. The involved employee's immediate supervisor shall also complete a Pueblo Vehicle Accident Investigation Report.

Any damage to a vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format as well as in a Report of Damage to Police Vehicle, and forwarded to the immediate supervisor. An administrative investigation should be initiated 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 Funds

704.1 PURPOSE AND SCOPE

The proper handling, control 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. All cash funds within the Pueblo Police Department will be strictly maintained according to the provisions set forth in this policy.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized user - A department member temporarily assigned by the custodian of a petty cash fund to operate such petty cash fund in the absence of the custodian for the purpose of maintaining efficiency in work flow. The term “authorized user” also refers to detectives who have been granted access to an investigative cash fund by the custodian of such cash fund for the purpose of maintaining efficiency in the conduct of criminal investigations. Authorized users will be held to the same standards as the custodian and shall follow required handling and documentation procedures.

Cash fund - All cash funds within the Pueblo Police Department that are proprietary to the Department and authorized by the Chief of Police.

Cash receipts fund - A cash fund with a set base dollar amount created for the use of collecting money from the public for services provided by the Pueblo Police Department.

Cashier - A department member who has been granted the authority to operate a cash receipts fund.

Custodian - A department member who has been granted the authority to operate an investigative cash fund or a petty cash fund.

Fund manager - A cashier, custodian or authorized user, as defined in this policy.

Investigative cash fund - A cash fund with a flexible dollar amount created for approved expenditures in the conduct of criminal investigations.

Petty cash fund - A cash fund with a flexible dollar amount created for the reimbursement of, or advancement to, department members for approved nominal out-of-pocket expenditures. Approved expenditures are limited to those which have been paid for by a department member in the course of conducting City business where time and convenience do not allow for the normal purchasing process, and which have been approved by a captain or higher authority for reimbursement or advancement.

704.2 CITY OF PUEBLO FINANCE DEPARTMENT POLICY

Fund managers shall adhere to the provisions set forth in the City of Pueblo Finance Department Policy governing the maintenance of cash funds.

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704.3 AUTHORIZED CASH FUNDS

The following cash funds are authorized by the Chief of Police:

- Five cash receipts funds located in the Records Section
- Three petty cash funds located in the Office of the Chief of Police
- One investigative cash fund located in the Special Investigation Division (Primary Investigative Cash Fund)
- One investigative cash fund located in the Narcotics Section (Secondary Investigative Cash Fund)
- Uniform Patch Cash Fund located in the Office of the Chief of Police
- Challenge Coin Cash Fund located in the Office of the Chief of Police

704.4 AUTHORIZATION FOR CASH DISBURSEMENT

Fund managers are authorized to disburse cash from cash funds as follows:

(a) Cashiers are authorized to disburse cash for the purpose of making change when collecting payments from the public for services provided by the Pueblo Police Department.

(b) Custodians and authorized users of petty cash funds are authorized to disburse cash to department members for the purpose of reimbursement or advancement for approved expenditures. Petty cash disbursements require the initial authorization of a captain or higher authority as well as the subsequent review and approval by the Services Bureau Chief or the Chief of Police. In all cases, petty cash disbursements shall not exceed $100.00.

(c) The custodian of the Primary Investigative Cash Fund is authorized to disburse cash to the custodian of the Secondary Investigative Cash Fund for the purpose of replenishing the Secondary Investigative Cash Fund.

(d) The custodian and authorized users of the Secondary Investigative Cash Fund are authorized to disburse cash for the purpose of the conduct of criminal investigations. Cash disbursements from the Secondary Investigative Cash Fund in excess of $1,000.00 require the authorization of the Chief of Police.

704.5 POSITIONS AUTHORIZED TO DISBURSE OR ACCEPT CASH

The following positions are authorized to disburse or accept cash:

- Five Records Clerks – Each is a cashier of one of the cash receipts funds located in the Records Section
- Two Administrative Technicians – Each is a custodian of one of the petty cash funds located in the Office of the Chief of Police
- Payroll Technician – Custodian of one of the petty cash funds located in the Office of the Chief of Police

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- Special Investigation Division Captain – Custodian of the Primary Investigative Cash Fund
- Narcotics Section Sergeant – Custodian of the Secondary Investigative Cash Fund
- Authorized users – As assigned

704.6 CASH FUND RECORDS

Fund managers of all cash funds shall maintain a balance sheet, ledger, or other system that identifies initial balance, credits (cash income received), debits (cash disbursed) and the balance on hand.

704.6.1 CASH RECEIPTS FUND TRANSACTIONS

All cash receipts fund transactions will be documented electronically via the City of Pueblo's receipt system (Tyler Financial System). The cashier shall enter the transaction information for each transaction into the Tyler Financial System, which will produce a receipt that is dated and sequentially numbered by the cashier's user identification. The cashier shall place all money collected into his/her cash drawer.

At the end of each business day, each cashier will count the money and checks received and prepare a deposit of any funds over the pre-determined base amount for his/her cash drawer. The deposit money, transaction receipts, and deposit slip will be placed into a secure money bag provided for this purpose and sent to the Finance Department each morning via courier. The Finance Department will reconcile the deposits with the transaction receipts.

To comply with the Payment Card Industry Data Security Standard, credit card information must not be emailed or stored on the City network. Payment information may be taken by phone or secure fax, and stored in a locked file cabinet for 90 days after the transaction date. Credit card information must be purged after 90 days.

704.6.2 PETTY CASH FUND TRANSACTIONS

Department members requesting reimbursements from petty cash funds must provide adequate supporting documentation. This includes original, valid receipts and other documentation, as necessary, to clearly support the occurrence and business purpose of the expenditure(s). Original receipts normally include cash register or point-of-sale receipts. Copies of receipts are not allowed. Custodians will disburse petty cash only after receiving adequate documentation with proper approval signatures. For disbursement, the following information must be documented:

- Identifying information of the cash recipient
- Date the purchase was made
- Amount of the purchase
- Business purpose and description of the purchase

Petty cash fund replenishment from the Finance Department will be documented in the Tyler Financial System.

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704.6.3 INVESTIGATIVE CASH FUND TRANSACTIONS

The Primary Investigative Cash Fund is considered the master investigative cash fund, which is used to replenish the Secondary Investigative Cash Fund as needed. When the Primary Investigative Cash Fund is in need of replenishment, the custodian of said fund will submit a request to the Chief of Police. Upon approval, the Chief of Police will contact the Finance Department and initiate the replenishment. Replenishments of the Primary Investigative Cash Fund from the Finance Department will be documented by the custodian by making the appropriate ledger entry.

Cash transferred from the Primary Investigative Cash Fund to the Secondary Investigative Cash Fund for replenishment shall be witnessed and verified by the Special Investigation Division Captain, the Narcotics Section Sergeant and a detective. The cash transfer shall be documented by indicating “deposit” on the Pueblo Colorado Police Department City Informant Fund (receipt ledger). The Special Investigation Division Captain, the Narcotics Section Sergeant and the detective shall sign the receipt ledger verifying the transfer.

Cash removed from the Secondary Investigative Cash Fund for the conduct of criminal investigations shall be documented by making the appropriate ledger entry.

704.7 CASH FUND AUDITS

Cash funds shall be audited according to the provisions set forth in the subsections within this section.

704.7.1 CASH RECEIPTS FUND AUDITS

At the close of each business day, a member of the Records Section who is not a cashier shall consolidate all of the cash receipts funds to ensure that all cash receipts funds are balanced with no discrepancies. Any discrepancies in the daily accounting shall be promptly reported to the Records Manager.

On a quarterly basis, the Records Manager shall conduct an audit of all cash receipts funds. The quarterly audits shall consist of the Records Manager reviewing the records, receipts and funds associated with each of the individual cash receipts funds and verifying the accuracy of the accounting. The quarterly audits shall further consist of ensuring that applicable policies and procedures are being followed. The results of the quarterly audits shall be documented and forwarded to the Support Services Captain.

704.7.2 PETTY CASH FUND AUDITS

On a quarterly basis, all petty cash funds shall be audited by a department member of equal or higher rank as the custodian of the petty cash fund being audited. The quarterly audits shall consist of the selected auditor reviewing the records, receipts and funds associated with the petty cash fund being audited and verifying the accuracy of the accounting. The quarterly audits shall further consist of ensuring that applicable policies and procedures are being followed. The results of the quarterly audits shall be documented and forwarded to the Services Bureau Chief.

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704.7.3 INVESTIGATIVE CASH FUND AUDITS

On a quarterly basis, the Primary Investigative Cash Fund shall be audited by a department member of equal or higher rank as the custodian of the Primary Investigative Cash Fund. The quarterly audits shall consist of the selected auditor reviewing the records, receipts and funds associated with the Primary Investigative Cash Fund and verifying the accuracy of the accounting. The quarterly audits shall further consist of ensuring that applicable policies and procedures are being followed. The results of the quarterly audits shall be documented and forwarded to the Services Bureau Chief.

On a quarterly basis, the Secondary Investigative Cash Fund shall be audited by the Special Investigation Division Captain. The quarterly audits shall consist of the auditor reviewing the records, receipts and funds associated with the Secondary Investigative Cash Fund and verifying the accuracy of the accounting. The quarterly audits shall further consist of ensuring that applicable policies and procedures are being followed. The results of the quarterly audits shall be documented and forwarded to the Services Bureau Chief.

On a monthly basis, the Narcotics Section Sergeant and two detectives shall conduct an informal audit to verify the funds in the Secondary Investigative Cash Fund. A monthly expense sheet shall be printed, signed by the Narcotics Section Sergeant and two detectives, and retained in the Pueblo Colorado Police Department City Informant Fund receipt book.

704.7.4 ANNUAL AUDITS OF ALL CASH FUNDS

Once each calendar year, the Chief of Police will direct a random audit of all cash funds assigned within the Department. The audit will be conducted by a representative of the Finance Department. The audit reports completed by the auditor will be reviewed by the Chief of Police. Any errors, discrepancies or issues will be addressed by the responsible fund manager in a documented report.

704.8 CASH FUND SECURITY

Fund managers shall be responsible for securing the currency and receipts associated with their assigned cash funds. Access to a cash fund should be restricted to the fund manager.

704.9 OTHER CASH HANDLING

The Office of the Chief of Police is responsible for the purchasing and selling of department uniform patches and challenge coins. The patches and coins will be purchased from their respective manufacturers by the Department and then sold to department members for the cost of purchase. As patches and coins are sold to department members, the cash received from each transaction will be used to replenish the funds for future mass purchases by the Department.

The uniform patches and challenge coins shall be maintained as separate cash funds, each with its own ledger. Each transaction, including purchases from manufacturers and individual sales to department members, shall be documented on the appropriate ledger. Additionally, each sale of a patch or a coin to a department member shall be documented by receipt.

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Cash Funds

When additional uniform patches and/or challenge coins are needed, cash from the appropriate fund(s) will be used to purchase a certified check to pay for the new order of patches and/or coins. A copy of all purchase invoices and certified checks shall be kept on file for proof of purchase.

The uniform patch and challenge coin funds shall be subject to the same security and auditing requirements as set forth for the petty cash funds maintained in the Office of the Chief of Police.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview records
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety

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

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 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 Department'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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Crime Prevention Unit

801.1 PURPOSE AND SCOPE

The Crime Prevention Unit is under the Services Bureau. The purpose of this policy is to establish the duties and responsibilities of the Crime Prevention Unit.

801.2 CRIME PREVENTION UNIT DUTIES AND RESPONSIBILITIES

The Crime Prevention Unit shall establish direct lines of communication with formal business, professional and civic organizations to develop support of law enforcement activities, and shall also maintain relationships with these groups by attending meetings and offering support. The Crime Prevention Unit shall assist in developing community relations programs for the Pueblo Police Department which, at a minimum, shall provide for the following:

(a) Collaboration with formal community organizations and groups,

(b) Publicizing department goals, objectives, problems and successes with various community, civic, professional and business groups,

(c) Conveying information transmitted from citizens' organizations to the Department,

(d) Improving department practices bearing on law enforcement-community relations, which may be accomplished via the identification of training needs,

(e) Assisting in the establishment and maintenance of community and neighborhood groups focused on crime prevention,

(f) Designing, scheduling and conducting presentations on various public safety and crime prevention topics for community, civic and neighborhood groups, schools, professional and business associations, etc., and

(g) Creating and distributing crime prevention pamphlets, brochures, booklets and literature to the public.

The Crime Prevention Unit shall assist community, neighborhood, business and professional groups in the City of Pueblo interested in crime prevention. Once relationships with such groups are established, the Crime Prevention Unit shall continue working closely with said groups for the purpose of promoting current public safety and crime prevention practices and techniques.

Crime prevention programs and activities shall be prioritized based on pertinent data. Such data provides for the following:

(a) Targeting programs by crime type and geographic area on the basis of an analysis of local crime data and information,

(b) Targeting programs to address perceptions or misperceptions that the community may have of crime, and

(c) Evaluating the effectiveness of crime prevention programs and activities.

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Crime Prevention Unit

The Crime Prevention Unit shall maintain close ties with members of the Pueblo Police Department for the purpose of sharing crime prevention information and community concerns relative to crime prevention activities. The Crime Prevention Unit shall also relay community concerns of crime and other problems to the appropriate department component.

The Crime Prevention Unit shall establish and maintain a working relationship with applicable city departments for the purpose of addressing crime prevention concerns in areas to be developed or redeveloped. A part of this function shall also be to act as a consultant for crime prevention through environmental design.

Communities change constantly requiring modification of programs so they will meet the needs of the community. Therefore, all community relations and crime prevention programs will be evaluated by the Crime Prevention Unit at a minimum of every three years. Any significant changes in the community relations programs shall be reported to the Chief of Police via chain of command.

All community relations presentations and materials shall be reviewed periodically to ensure that they adequately address current community concerns.

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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 public safety agencies it serves in the course of their 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

Pueblo Police Department radio operations shall be conducted in accordance with FCC procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

This organization 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. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between the Communications Center and officers.

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 four key questions:

- Where?
- What?
- When?
- Who?

Unless absolutely necessary, a person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding units and the affected citizen. Dispatchers should be courteous, kind, patient and respectful in dealing with the public.

Emergency calls should be dispatched as soon as possible. The Watch Commander shall be notified of pending emergency calls for service when units are unavailable for dispatch. Emergency calls are classified as Priority 1 (life threatening) or Priority 2 (in-progress) calls for service.

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802.2.2 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and noncriminal service or self-initiated activity. Employees shall attempt to elicit, record and share as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Event ID number
- Date and time of request
- Name, address and telephone number of complainant, if possible
- Type of incident reported
- Involvement of weapons, and if so, type of weapons
- Involvement of drugs and/or alcohol
- Location of incident reported
- Identification of any officer assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Applicable "Special Time Stamps" (e.g., time critical incident page sent, DSS notified, suspect in custody, etc.)
- Time of officer's return to service
- Disposition or status 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.

802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as quad assignment and officer identification numbers. Employees should use their entire call sign when calling the Communications Center or another unit. 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 mobile units or between the mobile unit and dispatcher once the mobile unit(s) have been properly identified.

802.3.2 RADIO PROCEDURE

"Disciplined clear speech" is a radio procedure using short, brief verbal terms and abbreviations to send and receive radio messages. "Discipline" is the key to the term, in that persons using the

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radio must discipline themselves to keep the transmissions as short as possible. It shall be the policy of the Pueblo Police Department to use "disciplined clear speech".

It shall also be the policy of the Pueblo Police Department to use the phonetic alphabet as recommended by the International Association of Chiefs of Police as an aid in preventing misunderstanding when spelling.

The IACP phonetic alphabet is:

A - Adam	H - Henry	O - Ocean	V - Victor
B - Boy	I - Ida	P - Paul	W - William
C - Charles	J - John	Q - Queen	X - X-ray
D - David	K - King	R - Robert	Y - Young
E - Edward	L - Lincoln	S - Sam	Z - Zebra
F - Frank	M - Mary	T - Tom	
G - George	N - Nora	U - Union	

The Department has also adopted the following "Modified 10-Code" to expedite radio communications:

10-2 - Quick response	10-16 - Leave assigned beat
10-3 - Emergency response	10-17 - Enroute to a call
10-4 - Acknowledged	10-20 - Clear channel
10-5 - Use caution	10-22 - Adult in custody
10-7 - Out of service	10-23 - Arrived on scene
10-7A - Meal break	10-24 - Call completed
10-8 - In service	10-30 - What's your status?
10-9 - Return to station	10-33 - Time call has been holding
10-10 - Officer in trouble	10-41 - Beginning tour of duty
10-11 - Disregard	10-42 - Ending tour of duty
10-13 - Resistor	10-44 - Juvenile in custody
10-14 - No cover needed	10-50 - Traffic crash
10-15 - Meet at a location	10-96 - Mental subject

802.3.3 MEMBER STATUS NOTIFICATIONS

Members shall inform the Communications Center under the following circumstances:

(a) When placing themselves on-duty, off-duty, or any other status that makes them unavailable to answer calls for service.

(b) When arriving at or leaving the scene of an incident.

(c) When changing locations while still assigned to an incident.

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(d) Upon initiating vehicle stops, making sure to provide:

1. Location of stop;
2. Vehicle license plate number;
3. Updated stop location if the vehicle continues beyond planned stop location or beyond location indicated on Automated Vehicle Locator (AVL);
4. The reason for the traffic stop may be included; and
5. Whether or not a cover officer is needed. If an officer does not indicate that he/she is “10-14”, a cover unit will automatically be assigned.

(e) Upon initiating pedestrian stops, making sure to provide:

1. Location of stop;
2. Description of person(s) stopped;
3. The reason for the stop may be included; and
4. Whether or not a cover officer is needed. If an officer does not indicate that he/she is “10-14”, a cover unit will automatically be assigned.

802.4 EMERGENCY PREPAREDNESS NOTIFICATION SYSTEM

The Emergency Preparedness Network System (EPN) shall be utilized as a communication tool used to inform citizens of emergency situations that immediately threaten their lives and/or property. The system can be used for missing person notification, criminal investigation information, natural disasters and critical incidents that threaten public safety.

802.4.1 EPN PROCEDURE

The Emergency Preparedness Network System provides law enforcement with the technology to quickly contact citizens and businesses in a very specific geographic area to communicate urgent information or instructions.

All persons authorized to initiate notification through the EPN shall be trained in its proper use. The Key Token needed to initiate the system shall be kept in the Communications Center and is to be used by Communications Center personnel only. Events can be launched by a phone launch or a web launch.

Only those authorized shall be allowed to request activation of EPN:

(a) An incident requiring notification for ½ mile radius or less shall be activated by the authority of a Watch Commander or greater in rank.

(b) An incident requiring notification for more than ½ mile radius shall be activated by the authority of a Deputy Chief or the Chief of Police.

802.4.2 QUALIFYING EVENTS

Examples of events that may are require notification are:

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(a) Natural disasters, floods, tornadoes, fires, requiring emergency notifications to citizens,

(b) Hostage situations requiring emergency instructions to citizens in the surrounding area,

(c) Evacuations caused by natural disasters or hazardous material incidents, such as a chemical spill, and

(d) Missing children to notify the neighborhood and give descriptions of the child.

So as not to compromise the integrity of the EPN, the event initiation should be limited to incidents that may cause the loss of life, loss of property, or place citizens in a position of peril.

802.4.3 MESSAGES

All event notifications will be activated via the Communications Center, and only with the proper authorization.

Messages shall include the following:

(a) The source of the message (Pueblo Police Department),

(b) Location, date and time of the event,

(c) A brief explanation of the nature of the event (e.g., flood, lost child, hostage situation, etc.),

(d) Information on what actions should be taken, including assembly/shelter location, evacuation routes and phone numbers to call for additional information, and

(e) Advisement of whether or not a follow-up message will be sent.

The Senior Dispatcher will format the message to conform to the 30-second limit. The Senior Dispatcher will obtain approval of the person requesting the message prior to transmittal.

802.4.4 NOTIFICATION

Upon completion of the event notification, a Critical Incident Page will be sent indicating an EPN event was launched with the following information included:

(a) Who authorized the event,

(b) The nature of the event,

(c) The radius of intersection or address, and

(d) A repeat of the message.

802.5 LIMITED ACCESS TO COMMUNICATIONS CENTER

For the purpose of ensuring the integrity of the Communications Center, the door to the Communications Center shall remain locked at all times. Personnel authorized to enter the Communications Center shall be granted access via the permission settings on their department-

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issued security access cards. All other personnel shall use the telephone outside the door to the Communications Center to request permission to enter.

Access to the Communications Center is generally limited to the following personnel:

(a) Personnel assigned to the Communications Center.

(b) City radio engineers and other maintenance personnel as may be required.

(c) Personnel having express business in the Communications Center, and then only with the permission of a Communications Center supervisor.

The Dispatch Manager is responsible for the security of the Communications Center, and may impose measures as are deemed necessary to ensure the security of the facility.

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Property and Evidence

803.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (CRS § 13-14.5-108).

803.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property necessitating custody by the Department. The Evidence Custodian is responsible for the security of the Property and Evidence Section. Facility keys are maintained only by the property and evidence technicians and the Evidence Custodian. Although the staff possesses master keys that provide access to the Property and Evidence Section, the staff shall only enter the area when escorted by a property and evidence technician or the Evidence Custodian.

Any individual entering the Property and Evidence Section other than a property and evidence technician or the Evidence Custodian must be accompanied by a property and evidence technician or the Evidence Custodian 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.

803.2 DEFINITIONS

Definitions related to this policy include:

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

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.

Evidence Custodian - Sworn or civilian supervisor, as designated by the Chief of Police, who is responsible for the operation of the Property and Evidence Section.

Property and Evidence Technician - Civilian personnel assigned to the Property and Evidence Section. For the purpose of this policy, property and evidence technician shall refer only to the assignment of the civilian personnel and not to their individual job classification within the City of Pueblo.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

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803.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The officer releasing the property shall document such in his/her report.

Officers are required to document the circumstances by which property came into their possession, as well as a detailed description of the property, in the related report.

803.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property label describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The officer shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.

(d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.

(f) Complete a property module for every piece of property and evidence.

(g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in the Temporary Property Storage Room. The submitting officer shall notify the Evidence Custodian, via email, of the property being placed in said location.

Any exigent circumstances which would prohibit the submitting officer from properly booking evidence as prescribed by any portion of this policy must be reported to the officer’s immediate supervisor. The immediate supervisor may approve alternative measures to secure the evidence. Regardless of the circumstances, it is the responsibility of the immediate supervisor to ensure the integrity and security of the evidence.

803.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

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The officer seizing the narcotics and dangerous drugs shall place them in a secured property locker.

803.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall not move or handle the device, but shall promptly notify an immediate supervisor or the Watch Commander. The 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 retained in the police facility. Fireworks that are considered stable and safe and road flares or similar signaling devices shall be placed in the explosives transport trailer (single vent) located in the secure parking lot of the Pueblo Police Department Annex. An email message shall be sent to the Bomb Squad general email (pueblobombsquad@pueblo.us) advising of the item(s) left in the transport trailer.

803.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain DNA, should be properly labeled as such.

(b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to a property and evidence technician or placed in the Temporary Property Storage Room until a property and evidence technician can log the property.

(d) All currency shall be counted in the presence of another officer and the currency envelope initialed by both officers. A supervisor shall be contacted for currency in excess of $1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used. All counterfeit currency shall be packaged separately in a counterfeit envelope.

(e) An officer needing to submit an exceptional, valuable or sensitive item (e.g., precious metal, expensive jewelry, etc.) should notify a supervisor. The supervisor will determine if a second officer is required to be present when the item is packaged and submitted into the Property and Evidence Section. Additionally, exceptional, valuable and sensitive items should be photographed prior to submission into the Property and Evidence Section.

(f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

(g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

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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.

803.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures as outlined in the Pueblo Police Department Property and Evidence Section Standard Operating Procedures Manual. The Property and Evidence Packaging Quick Reference Guide, which is Appendix A of the Property and Evidence Section Standard Operating Procedures Manual, is located on the Pueblo Police Department Intranet site for reference by department members.

803.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container that is appropriate for its size. A property tag or label shall be securely attached to the outside of all items or group of items packaged together.

803.4.2 PACKAGING CONTROLLED SUBSTANCES

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 a secured property locker. 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. Refer to the Property and Evidence Section Standard Operating Procedures Manual for specific procedures on the packaging of controlled substances.

803.4.3 RIGHT OF REFUSAL

Property and evidence technicians have the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should a property and evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a secured property locker or other safe location and inform the submitting officer's supervisor.

803.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall create an electronic record for each piece of property received. The electronic record will be the permanent record of the property in the Property and Evidence Section. The property and evidence technician will record pertinant information regarding the storage of the property in the electronic record, including the date and time the property was received and where the property will be stored.

Any changes in the location of property held by the Pueblo Police Department shall be noted in the electronic record.

803.6 PROPERTY CONTROL

Each time a property and evidence technician receives property or releases property to another person, he/she shall enter this information in an electronic record. Officers desiring property for

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court should contact a property and evidence technician at least one business day prior to the court day.

Every time property is released or received, an appropriate record entry shall be completed to maintain the chain of custody.

803.6.1 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The employee transporting evidence to a crime laboratory will check the evidence out of property, indicating the date and time on the Chain of Custody Sheet.

The property and evidence technician releasing the evidence must complete the required information on the Chain of Custody Sheet. The lab forms will be transported with the property to the examining laboratory. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

803.6.2 STATUS OF PROPERTY

Each person receiving 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 on the Chain of Custody Sheet and in the electronic record, stating the date, time and to whom it was released.

The property and evidence technician shall obtain the signature of the person to whom property was 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 Section or released to another authorized person or entity.

The return of the property should be recorded on the Chain of Custody Sheet and in the electronic record, indicating date, time and the person who returned it.

803.6.3 AUTHORITY TO RELEASE PROPERTY

The property and evidence technicians shall not release any property in the custody of the Department for investigatory or prosecutorial purposes without a signed authorization from an appropriate authorized member of the Department or District Attorney's Office.

Upon the direction of the assigned investigator and/or prosecutor, property held as evidence of a crime may be photographed and released to the owner.

803.6.4 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

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)).

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Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing investigator or prosecutor and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented. When an authorized release form received from the District Attorney's Office indicates "no action", any and all evidence in custody will be held for an additional six months from the date of receipt to allow a prosecutor to file charges on the case at a later time.

With the exception of firearms and other property specifically regulated by statute, found property with no known owner shall be held for a minimum of 90 days. Found property with a known owner shall be held for a minimum of 30 days from the date of initial notification. During such period, property personnel shall attempt to contact the rightful owner by mail when sufficient identifying information is available. Property with a known owner that is not held for any other purpose may be submitted for public auction, converted for department use or destroyed if not claimed within 30 days after initial notification. Property with no known owner that is not held for any other purpose may be submitted for public auction, converted for department use or destroyed if not claimed within 90 days after receipt. The final disposition of all such property shall be fully documented.

A property and evidence technician shall release the property to the owner, upon valid identification and proper documentation presented by the owner, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property listed on a Chain of Custody Sheet, it shall be scanned into the electronic record. If some items of property have not been released, the Chain of Custody Sheet will remain with the Property and Evidence Section.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

803.6.5 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored 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 Section.

(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.

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803.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, 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.

All parties should be advised that their claims are civil. In extreme situations, the City Law Department may be asked to file an interpleader in court to resolve the disputed claim.

803.7 DISPOSITION OF PROPERTY

The final disposition of found, recovered and evidentiary property should be accomplished promptly after legal requirements have been satisfied.

All property not held for evidence in a pending criminal investigation or proceeding, where the owner has not been located or fails to claim the property, may be submitted for disposition in compliance with Chapter 7, Title XI of the Pueblo Municipal Code. The property and evidence technician shall monitor the status of all property for which no disposition has been received from a detective or prosecutor.

Upon any release or sale of any property, the proper notation shall be made on the Chain of Custody Sheet and in the electronic record. Proceeds shall be deposited pursuant to Chapter 7, Title XI of the Pueblo Municipal Code.

803.7.1 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:

- Weapons declared by law to be nuisances
- Counterfeiting equipment
- Gambling devices
- Obscene matter ordered to by destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices
- Any item with an altered serial number

At least one supervisor assigned to the Internal Affairs Section shall participate in the destruction of firearms and controlled substances. Refer to the Pueblo Police Department Property and Evidence Section Standard Operating Procedures Manual for procedures on the destruction of property.

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803.7.2 UNCLAIMED MONEY

If found money is no longer required as evidence and remains unclaimed after one year, the money is presumed abandoned property (CRS § 38-13-201). **The Evidence Custodian shall ensure that all unclaimed money that qualifies as abandoned property is promptly reported and/or transferred to the appropriate City department in accordance with the provisions set forth in Title 11, Chapter 7 of the Pueblo Municipal Code of Ordinances.**

803.8 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Custodian shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The applicable Criminal Investigation Division sergeant

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the applicable Criminal Investigation Division sergeant.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the applicable Criminal Investigation Division sergeant should be consulted and the sexual assault victim should be notified. **The Evidence Custodian shall ensure that all sexual assault biological evidence that meets the criteria for mandatory submission to the Colorado Bureau of Investigation, as set forth in Section 24-33.5-113 of the Colorado Revised Statutes, is submitted within 21 days of receipt by the Pueblo Police Department.**

803.8.1 SUFFICIENT SAMPLE PRESERVATION

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)).

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If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, a 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.

803.8.2 RECORDS RETENTION AND PRESERVATION

The Department 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 by law (CRS § 18-1-1105; CRS § 18-1-1106; CRS § 18-1-1107), the Department 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); CRS § 18-1-1103(2).

(c) A court may order the Department to preserve existing biological evidence for DNA testing at the request of a defendant (CRS § 18-1-414(2)).

803.8.3 EXPUNGEMENT OF DNA EVIDENCE

A person may qualify for expungement and destruction of DNA evidence. This department will destroy DNA evidence after written notice is received from the Colorado Bureau of Investigation (CRS § 16-23-105).

803.8.4 DISPOSITION OF DNA EVIDENCE

In cases described in state law (CRS § 18-1-1102(1)(c); CRS § 18-1-1102(1)(d)), the Department 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 Department 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 Department does not receive notice from the District Attorney within a reasonable amount of time, the Department 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.

The Department may not request permission to dispose of DNA evidence in cases described in state law (CRS § 18-1-1102(1)(a); CRS § 18-1-1102(1)(b); CRS § 18-1-1105(1)).

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803.8.5 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 Department will release DNA evidence belonging to the victim (CRS § 18-1-1107).

803.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION

(a) The Evidence Custodian shall conduct semi-annual inspections of the Property and Evidence Section to ensure adherence to procedures used for the control of property and evidence.

(b) An annual audit of property and evidence held by the Property and Evidence Section shall be conducted by a supervisor, designated by the Chief of Police, who is not routinely or directly connected with control of property and evidence.

(c) Unannounced inspections of property storage areas shall be conducted by the Chief of Police, or his/her designee, at least once a year.

(d) Whenever the Evidence Custodian is assigned to and/or transferred from the position, an audit of the Property and Evidence Section shall be conducted. The audit shall be conducted jointly by the newly assigned Evidence Custodian along with a designee of the Chief of Police to ensure that records are correct and properly annotated. For general property and evidence, the audit should be sufficient to ensure the integrity of the system and accountability of property and evidence. For high risk property (i.e., currency, precious metals, jewelry, firearms and narcotics) a minimum sampling size must be reviewed with respect to documentation and accountability. The table below shall be used to determine the appropriate sample size for high risk items. If the exact number of "Pieces of High Risk Evidence/Property" is not listed, the next higher number should be used. An error rate that exceeds four percent will require a full inventory of high risk items.

Pieces of High Risk Evidence/Property	Required Sample Size
1,000	516
2,000	696
3,000	787
4,000	843
5,000	880
6,000	906
7,000	926
8,000	942

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9,000	959
10,000	964
15,000	996
20,000 or More	1,056

803.10 REQUISITION OF SUPPLIES

All personnel in need of supplies shall complete a Requisition of Supplies Form. The form shall be approved by a supervisor and submitted to the Property and Evidence Section.

Only Property and Evidence Section personnel shall issue supplies from the supply room. No supplies will be provided without a Requisition of Supplies Form.

803.11 RELEASE AND DISPOSAL OF FIREARMS

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 (18 USC § 922 (d); CRS § 13-14-105.5; CRS § 18-1-1001; CRS § 18-6-801; CRS § 24-33.5-424).

803.11.1 RELEASE OF FIREARMS IN RISK PROTECTION ORDER MATTERS

Upon notice that an extreme risk protection order has been terminated or not renewed, notice should be provided to the respondent of the process for the return of firearms (CRS § 13-14.5-109).

Upon request by the person named in a risk protection order, firearms or permit surrendered pursuant to the order shall be returned to the person within three days after confirming eligibility to own or possess the firearm under federal and state law through a criminal history record check (CRS § 13-14.5-109). Additionally, prior to the release of firearms or a permit the Department should:

(a) Confirm that the risk protection order is no longer in effect.

(b) Provide notice to any family or household member of the person that the firearms or ammunition are going to be returned.

If a person other than the person named in the risk protection order claims ownership of any seized firearms, the Department shall follow the procedures outlined in CRS § 13-14.5-108.

If a person who has surrendered firearms pursuant to a risk protection order elects to transfer ownership of the firearms to another person, the Department shall follow the procedures outlined in CRS § 13-14.5-108 prior to releasing any firearm.

If a firearm remains unclaimed for at least one year from the date that an extreme risk protection order expired, the firearm should be disposed of according to department procedures (CRS § 13-14.5-109).

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Records Section Procedures

804.1 PURPOSE AND SCOPE

The Records Manager shall keep the Department Records Section procedures continuously updated to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

804.1.1 NUMERICAL FILING SYSTEM

When an officer or clerk requests a case number through the Communications Center, or an officer self-initiates a case number through a Mobile Data Terminal (MDT), the Computer Aided Dispatch (CAD) System assigns a case number to the event. The case number is unique to that CAD event and cannot be used again.

At the time that CAD generates and assigns a case number to an event, a skeleton report is created in the Records Management System (RMS) with that case number. The report is then completed by the primary officer assigned to the associated call for service, either on the MDT or in the RMS Pistol System (desktop). Reports completed by clerks are done so via the RMS Pistol System.

Case numbers are structured beginning with the last two digits of the current calendar year followed by a six digit sequential number commencing with 000001. As an example, case number 15-000001 would be the first case number generated in calendar year 2015. The numbering system starts with 000001 and continues through the end of the calendar year.

804.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure computer database. Such electronic records are accessible to authorized users 24 hours a day, seven days a week.

Physical reports relating to homicides and fatal traffic accidents, generated prior to the Department's transition to computerized reports and contained on media such as microfiche, shall be maintained in a secure area within the Records Section, accessible only to authorized Records Section personnel. Access to physical report files not contained in the computer database may be obtained through Records Section personnel.

In the event that a physical record is required outside of normal business hours, the Records Custodian will be contacted and arrangements made for the retrieval of the record. If the Records Custodian is unavailable, the Support Services Captain will be contacted.

804.2.1 REQUESTING ORIGINAL REPORTS

Reports contained on the computer database may be printed by department members as needed.

The existing physical reports remaining in the Records Section shall not be removed for any reason. Photocopies of such may be obtained from Records Section personnel.

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804.3 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.

804.4 LIMITED ACCESS TO RECORDS SECTION

For the purpose of ensuring the integrity of the Records Section, doors to Records Section work spaces (i.e., second floor and lobby offices) shall remain locked at all times. Personnel authorized to enter Records Section work spaces shall be granted access via the permission settings on their department-issued security access cards.

804.5 PRIVACY POLICY

The Records Manager shall apply, and assist in the development and maintenance of, the organization'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 Criminal Justice 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 organization's website.

804.6 REPORTING

The Records Manager shall ensure that data required to be collected by CRS § 24-33.5-412, including offense and arrest information separated by summons, custody and on-view, is submitted to the Colorado Division of Criminal Justice for each calendar year by March 31 of the following year (CRS § 24-33.5-518).

804.7 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

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(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the Division of Criminal Justice as required by CRS § 24-31-903, including:

1. Officer-involved use of force that results in death or serious bodily injury.
2. All data relating to contacts conducted by officers.
3. All instances of unannounced entry, with or without a warrant.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for the entry of extreme risk protection orders into appropriate databases, notice to courts, and removal of orders from databases, as applicable (CRS § 13-14.5-110).

(h) Establishing a process for the filing of the following with the court after service of a risk protection order, as applicable (CRS § 13-14.5-108):

1. The original receipt of surrendered items within 72 hours of service of the order. A copy of the receipt shall also be properly maintained by this department.
2. In cases where no firearms were taken into custody, a statement notifying the court of the same.
    (a) A copy of the receipt shall also be properly maintained by the Department.

(i) Providing notice to the Property and Evidence Section upon the termination or nonrenewal of an extreme risk protection order (CRS § 13-14.5-107).

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Restoration of Firearm Serial Numbers

805.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owner or origin of the item. Thus, property can be returned to rightful owners or investigations can 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.

805.2 PROCEDURE

Any firearm coming into the possession of the Pueblo Police Department as evidence and found property, where the serial numbers have been removed or obliterated, shall be processed in the following manner.

805.2.1 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., the 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 record/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 record/document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

805.2.2 PROPERTY BOOKING PROCEDURE

Any department member taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into property following standard procedures. The department member booking the firearm shall indicate in the report and property module that serial numbers have been removed or obliterated.

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805.2.3 DOCUMENTATION

Case reports and records shall be prepared and maintained in order to document the chain of custody and the initial examination and handling of evidence, from the time it is received or collected until it is released. The case report shall include a description of the manner in which and/or from whom the firearm was received.

805.2.4 FIREARM TRACE

All firearms with which sworn department members come into contact in the field, regardless of the status of their serial numbers (intact or removed/obliterated), shall be entered into the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center's (NTC) eTrace system via the online National Tracing Center Trace Request Form (ATF E-Form 3312.1). Department members may choose not to enter firearms into the eTrace system, however, when the origin and ownership of the weapons are not in question and appear to be legitimate. Upon completing an eTrace system entry, department members shall send a follow-up email to the ATF Task Force which includes the case report number and any additional notes (e.g., obliterated serial number, entry into the ATF's National Integrated Ballistic Information Network [NIBIN], etc.). The ATF Task Force will then arrange the transfer of the firearm to either the Colorado Bureau of Investigation or the ATF for processing, if needed.

All sworn department members as well as selected non-sworn department members shall have access to, and must enroll in, the eTrace system. The ATF Task Force shall maintain department members' access to the eTrace system. Department members may access the eTrace system at https://www.atfonline.gov/etrace/logonDisplay.do?langOverride=en.

805.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to 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

806.1 PURPOSE AND SCOPE

The purpose of this section is to establish a reference and procedure for the security and release of Department public records in accordance with the Colorado Open Records Act (CRS § 24-72-200.1 to § 24-72-206) and the Colorado Criminal Justice Records Act (CRS § 24-72-301 to CRS § 24-72-309).

This policy does not prevent the Department 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.

The Federal Freedom of Information Act (FOIA) does not apply to state or local records.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal justice records - 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 agency in the state for use in the exercise of functions required or authorized by law.

Public records - All writings, unless excepted by statute, made, maintained, or kept by the Department for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. Criminal justice records are not public records.

Records Custodian - A person assigned the responsibility for the public and criminal justice records of Pueblo Police Department, regardless of whether the records are in his/her actual personal custody and control (CRS § 24-72-202(2) and CRS § 24-72-302(5)). For the purpose of this policy, the Records Manager shall serve as the Records Custodian subject to those specific exclusions found within this Policy Manual.

806.2 PUBLIC REQUESTS FOR RECORDS

The Records Custodian is responsible for the retention, archiving, release and destruction of department public records as follows:

(a) The Records Custodian will maintain a policy for the retention, archiving and destruction of Department public records (CRS § 24-72-203(1)(b)(I)).

(b) The Records Custodian will maintain either the Colorado Model Municipal Retention Schedule if approved by the State Archivist for use by Pueblo Police Department or other retention schedule signed by the Records Custodian, the Colorado State Archivist, the State Auditor's Office and the Attorney General's Office. The Records Custodian is responsible for requesting authorization to destroy records and for responding to any authorization to destroy records sent by the State Archives.

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(c) The Records Custodian will establish rules regarding the inspection of department public records and criminal justice records as reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office (CRS § 24-72-203(1)(a) and CRS § 24-72-304(1)).

(d) The Records Custodian should consult periodically with the Colorado Department of Personnel and the Attorney General of Colorado regarding retention and disposition of records to determine whether records are of legal, administrative or historical value (CRS § 24-80-103).

1. Those records unanimously determined to be of no legal, administrative or historical value shall be disposed of by such method as the three officers may specify.

2. The Records Custodian shall file and preserve a list of all records disposed of, together with a statement signed by these three officers certifying compliance.

(e) The Records Custodian shall maintain a schedule of fees for public records consistent with that adopted by the City of Pueblo.

(f) The Records Custodian should prepare and make a available to the public a description of the basic rights of a person who requests public information, the responsibilities of the Department and the procedures, to include the cost of inspecting or obtaining copies.

806.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media, may request to inspect records of this department by submitting a written and signed request on the form provided by the Department to an authorized employee during normal business hours.

Request for records of the Department will be handled by the Records Section as follows:

(a) Each request received shall be stamped in red ink with a department stamp identifying the date the request was received.

(b) Records Section personnel shall determine whether the requested record is subject to the Colorado Open Records Act or the Colorado Criminal Justice Records Act and then whether the requested record is available and/or subject to any exemption from disclosure. Response should be made to a request for public records pursuant to the Colorado Open Records Act within three days of the request, unless the Records Custodian finds there are extenuating circumstances (CRS § 24-72-203(3)(b)).

1. A finding that extenuating circumstances exist shall be made in writing by the Records Custodian and shall be provided to the person making the request within the three-day period.

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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 Custodian finds there are extenuating circumstances, he/she shall make such records available for inspection within seven business days.

(c) The requesting party should be required to pay in advance any established fee for each record sought.

(d) Requests for information that the Records Custodian 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 Department.

(e) If the Records Custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial. The Records Custodian shall provide to the applicant within seventy-two hours, a 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)).

(f) The Department is not required to create records which do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record.

Members shall make a reasonable effort to exclude or redact the Social Security number 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)).

806.3 REPORT RELEASE RESTRICTIONS

Records shall be released in accordance with the Colorado Open Records Act and the Colorado Criminal Justice Records Act. Restrictions to disclosure include but are not limited to the following:

(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.

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(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)).

(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) and CRS § 24-72-305):

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.

806.3.1 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 Department 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).

806.4 SUBPOENA DUCES TECUM

Any subpoena duces tecum or discovery request should be promptly provided to a supervisor for review and processing. While a subpoena duces tecum may ultimately be subject to compliance,

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it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any subpoena duces tecum should be promptly referred to the City Law Department and other legal counsel for the Department so that a timely response can be prepared.

806.5 RELEASED RECORDS TO BE STAMPED

Each record released, including those released pursuant to a subpoena duces tecum, shall be stamped in red ink with a Department stamp identifying the date the record was released.

806.6 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

807.1 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 Pueblo Police Department. 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.

807.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal History Record Information (CHRI) - Criminal history record information record searches for criminal justice and other purposes as specified by existing local, state, and/or federal laws with each record supported by a criminal fingerprint submission.

Criminal Justice Information (CJI) - Term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

Interstate Identification Index (III) - Provides the decentralized interstate exchange of criminal history record information (CHRI) and functions as part of the Integrated Automated Fingerprint Identification System (IAFIS).

Operator Security Number (OSN) - A five-digit numerical identifier that allows an operator to access CJI systems. The OSN allows the Colorado Bureau of Investigation (CBI) to further restrict only the operator without confining access to the terminal.

Protected information - Any information or data that is collected, stored or accessed by members of the Pueblo Police Department 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

807.2 POLICY

Members of the Pueblo Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

807.3 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 policies and procedures are in place to comply with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System

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(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.

807.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Pueblo Police Department 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 criminal justice purpose 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.

807.5 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 Section 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, except in cases where there is an immediate need for the information to further an investigation or where circumstances

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reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

807.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to work with the Director of Information Technology and/or his/her designee to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(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.

807.6.1 MEMBER RESPONSIBILITIES

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.

(a) All civilian members with identifiable need for CJI access through CCIC and/or NCIC must obtain and maintain an active and current Operator Security Number (OSN) through the Colorado Bureau of Investigation (CBI).

(b) All sworn members of the rank of sergeant and below must obtain and maintain and active and current Operator Security Number (OSN) through the Colorado Bureau of Investigation (CBI).

(c) Command Staff members may obtain and maintain an active and current OSN if desired.If they do not wish to have an OSN, it will be canceled and the required Security Awareness Training will be provided through the CJIS online portal.

807.6.2 PENALTIES

CJI data is sensitive information and security shall be afforded to prevent any unauthorized access, use, or dissemination of the information. Improper access, use and/or dissemination of CHRI and hot file information is serious and may result in the imposition of administrative sanctions including, but not limited to, termination of services and state and federal criminal penalties.

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807.7 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 Pueblo Police Department and communicate the correction to the Colorado Bureau of Investigation.

807.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

807.8.1 CJIS SECURITYAWARENESS TRAINING

Department members, vendors, and contractors must complete Security Awareness Training in compliance with the FBI CJIS Security Policy guidelines.The CCIC Coordinator will ensure that this training is provided through the CJIS online portal for members, vendors, and contractors that do not have an active Operator Security Number (OSN) and through the CCIC portal for members that do have an active Operator Security Number (OSN).

CJIS Security Awareness Training includes Security Level One through Security Level Four as outlined in the FBI's CJIS Security Policy: FBI website

- **Level One Security Awareness Training** - Individuals in the vicinity of Criminal Justice Information (CJI) usage and/or terminals (e.g. maintenance, janitorial, contract personnel, etc.)
- **Level Two Security Awareness Training** - Individuals with access to static CJI (i.e. law department personnel without Records Management System access, etc.)

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- **Level Three Security Awareness Training** - Individuals with personal access to CJI in CCIC, NCIC, or local Records Management Systems (e.g. dispatchers, clerical personnel, sworn personnel, etc.)
- **Level Four Security Awareness Training** - Information Technology personnel

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Query and Documentation of Criminal History Records

808.1 PURPOSE AND SCOPE

This policy provides guidelines for the query and documentation of criminal offender records.

808.2 DEFINITIONS

Interstate Identification Index (III) - The cooperative federal-state system for the exchange of criminal history records, including the National Identification Index (NII), the National Fingerprint File (NFF) and, to the extent of their participation in such system, the criminal history record repositories of the states and the FBI.

808.3 ONLINE DOCUMENTATION FOR III QUERY

In compliance with Colorado Crime Information Center (CCIC), National Crime Information Center (NCIC) and Interstate Identification Index (III), all requests for criminal history and arrest records (RAP sheets) must include the following information:

(a) **CAR**:

1. Car (Radio Number) of the officer requesting the query

(b) **PURPOSE CODE**:

1. Code "C" shall be used for official duties in connection with the administration of criminal justice, including, but not limited to, the following:
    (a) Department vendors and contractors who are not involved with the actual administration of criminal justice (e.g., carpet cleaners, janitors, etc),
    (b) Department volunteers who are not involved with the actual administration of criminal justice (e.g., community ride-along program participants),
    (c) Participants of law enforcement-sponsored firearms training classes held at the public firing ranges who are handling firearms, and
    (d) Individuals attending firearms training events held at law enforcement facilities.
2. Code "J" shall be used for initial background checks of agency personnel, as well as the following:
    (a) Vendors and contractors who are involved with the administration of criminal justice records for the Department (e.g., those involved with the maintenance of computer systems, upgrading records systems, data entry, etc.), and

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(b) Volunteers at the Department who are involved with the administration of criminal justice records for the criminal justice agency (e.g., volunteer dispatchers, volunteer data entry clerks, interns, etc.).

3. Code "F" shall be used for the purposes of:

(a) Issuing firearms-related permits and explosives permits pursuant to state laws, regulations or local ordinances,

(b) Returning firearms to their lawful owners, and

(c) Enforcing federal and state laws prohibiting certain persons with criminal records from possessing firearms in circumstances in which firearms have been pawned.

4. Code "H" shall be used when the criminal history query is made under the authority of the Housing Opportunity Extension Act of 1996. The use of this purpose code is limited to QH transactions.

5. Code "X" shall be used when a QH is made during an emergency situation when the health and safety of a specified group may be endangered. Following a QH, a QR may be used to review the individual's record. All requests for background checks for exigent purposes must be accompanied by fingerprints. When the SIB does not make a positive identification, the delayed submission of fingerprints to the FBI must occur within the time frame agreed to by the National Crime Prevention and Privacy Compact Council. Queries using purpose code "X" must be pre-approved. The CBI should be contacted for assistance.

(c) **ATTENTION**:

(a) Name of the officer/person requesting the history along with specific information that would allow the Communications Center to track the purpose of the query in the future (e.g., case report number, Event ID number from CAD, date/time/ address of call, etc.).

(d) **OTHER MANDATORY INFORMATION**:

(a) Name

(b) Sex

(c) Race

(d) Date of Birth

808.4 RELEASE OF CRIMINAL HISTORY RECORDS

Criminal history record information may not be used in any unauthorized manner, for any unauthorized purpose or disclosed to any person who is not entitled to the information.

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Computers and Digital Evidence

809.1 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.

809.2 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. 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.

(e) Label each item with the case number, evidence sheet 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) Lodge all computer items into the Property and Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation

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2. Who was using it at the time
3. Who claimed ownership
4. If it can be determined, how it was being used
5. Any passwords/codes used to log onto the device
6. Operating system (e.g., Windows 98, Windows 2007, Mac OS, Linux, etc.)

(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, software and manuals) 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.

809.2.1 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 copy of the image of the hard drive shall be marked and maintained as primary evidence.

809.2.2 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)

(d) A forensic copy of the media will be made, subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

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809.3 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.

(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 High Tech Crimes 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 leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

809.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices (PCD), such as cellular phones, Personal Data Assistants (PDA) or other hand held 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. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) If device is turned off, DO NOT TURN ON. If the device is on, power down the device by removing the battery, if possible, making sure not to damage the device. As a last resort, power down using the power button. The device should be wrapped in no less than six sheets of 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; they may be required for examination at a later time.

809.5 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.

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809.5.1 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.

809.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the Identification Section as soon as reasonably possible for submission into evidence.

(b) Officers are only authorized to review the data stored on the device that was used to record the data. Copying data from memory cards is prohibited. Identification Section personnel are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) 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 place the card into a plastic carrier. The card and carrier are then to be placed in an envelope and submitted to the Identification Section. The submitting officer shall write his/her name and the related case number on the outside of the envelope.

(d) Identification Section personnel will download the media onto a computer electronic evidence storage database. Once they have verified that the images properly transferred to the storage database, the technicians will erase the memory card for reuse. The stored media will be considered the original.

(e) Officers requiring a copy of the digital files must request a copy from the Identification Section.

809.5.3 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) 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.

809.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only Identification Section personnel are authorized to copy original digital media that is related to case documentation and held as evidence. Only digital forensic examiners

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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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Chapter 9 - Custody

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Temporary Custody and Confinement

900.1 PURPOSE AND SCOPE

This policy establishes guidelines to address the health and safety of persons held in temporary custody at the Pueblo Municipal Justice Center by members of the Pueblo Police Department for testing, processing and temporary detention prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Except where covered elsewhere in the Policy Manual, including the Temporary Custody of Juveniles Policy, the provisions set forth herein shall apply to juveniles as well as adults. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Detention cell area - The area behind doors 1300A, 1300B, 1310B and 1310C.

Temporary custody - The total time period an individual is in custody at the Pueblo Municipal Justice Center prior to being released or transported to a housing or other type of facility.

Temporary detention facility - The detention facility within the Pueblo Municipal Justice Center which is used for the temporary confinement of individuals who are awaiting release or transfer to another facility. The temporary detention facility is the area behind doors 1303A and 1310A.

Visual safety checks - Direct, face-to-face visual observation by an officer of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of individuals confined in the temporary detention facility.

900.1.2 DESIGNATED ROOMS OR AREAS

The temporary detention facility, as defined above, shall serve as the designated facility for the confinement of individuals in temporary custody.

The DUI Room, located within the temporary detention facility behind door 1305, shall serve as the designated room for the chemical testing of individuals detained for offenses related to driving under the influence of drugs or alcohol. The adjacent restroom located behind door 1308, also within the temporary detention facility, shall serve as the designated room for the collection of urine samples.

The Identification Section shall serve as the designated processing area for collecting photographs, fingerprints and biological samples from individuals in temporary custody.

900.2 POLICY

The Pueblo Police Department is committed to releasing individuals from temporary custody as soon as reasonably practicable, and to keeping individuals safe while in temporary custody at the

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Pueblo Municipal Justice Center. Individuals should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No individual should be in temporary custody for longer than six hours.

No individual shall be locked in a detention cell for a time length exceeding four hours. The time begins when the individual is first confined in a detention cell and ends when four chronological hours have elapsed from that point, regardless of whether or not the individual is removed from the detention cell for any reason during the confinement. For example, if an individual is placed in a detention cell at 1207 hours, he/she shall not be confined in any detention cell beyond 1607 hours, regardless of the amount of time the individual may have been removed from the detention cell for any reason (e.g., restroom breaks, interviews, telephone calls, consultation with an attorney, etc.).

The officer who introduces an individual in temporary custody into the Pueblo Municipal Justice Center shall be responsible for supervising the individual and searching the individual in accordance with the Custodial Searches Policy. The officer shall also be accountable for processing the individual in temporary custody, when necessary, which includes the pre-booking activities involving the individual (e.g., fingerprinting). If the officer who introduces an individual in temporary custody into the Pueblo Municipal Justice Center cannot complete any of these required tasks, he/she shall be responsible for making the necessary arrangements to have another officer complete these tasks.

The officer who introduces an individual in temporary custody into the temporary detention facility shall be responsible for all aspects of the confinement, including, but not limited to, the following:

(a) Immediately notifying the officer's supervisor,

(b) Notifying the Communications Center

(c) Providing supervision,

(d) Conducting searches in accordance with the Custodial Searches Policy,

(e) Making the required log entries,

(f) Processing the individual, when necessary, which includes the pre-booking activities involving the individual (e.g., fingerprinting),

(g) Summoning medical aid when necessary,

(h) Reporting any applications of force, and

(i) Carrying out all other tasks as required by applicable policy and law.

If the officer who introduces an individual in temporary custody into the temporary detention facility cannot complete any of these required tasks, he/she shall be responsible for making the necessary arrangements to have another officer complete these tasks.

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900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Pueblo Municipal Justice Center, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Pueblo Municipal Justice Center unless they have been evaluated and cleared by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 INDIVIDUALS WHO MAY BE IN TEMPORARY CUSTODY

Individuals who may be in temporary custody include those arrested and detained pending:

(a) Citation or summons and release per the Citation/Summons and Release Policy,

(b) Transportation to a housing or other type of facility,

(c) In-custody interview or other investigation,

(d) Testing,

(e) Processing, or

(f) Transfer to court.

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900.3.3 SUPERVISION IN TEMPORARY CUSTODY

An officer shall be present and provide constant supervision at all times when an individual is held in temporary custody, including any and all time the individual spends in designated processing and testing rooms or areas. The officer responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in temporary custody must be able to summon the supervising officer if needed. If the individual in temporary custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female officer should be present when a female in temporary custody is confined in the temporary detention facility. In the event that a female officer is not readily available, the female in temporary custody should be held outside of the temporary detention facility, transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, male officers should not enter the detention cell of a female in temporary custody unless a female officer is present.

No individual in temporary custody shall be permitted to supervise, control or exert any authority over other individuals in temporary custody.

900.3.4 SUPERVISOR NOTIFICATION

An officer who confines an individual in a detention cell shall immediately notify his/her supervisor.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others.

The officer should promptly notify his/her supervisor of any conditions that may indicate that the individual should not detained in temporary custody. The supervisor shall determine whether the individual will be detained, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in temporary custody shall do the following:

(a) Advise his/her supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Never place more than one person in a detention cell.

(c) Ensure males and females are separated by sight and sound.

(d) Ensure adults and juveniles are separated by sight and sound.

(e) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested or detained. Officers arresting or detaining foreign nationals shall be responsible for consulting the United States Department of State website at travel.state.gov/content/travel/en/consularnotification.html to determine if the person is from a country or jurisdiction that requires mandatory notification.

Officers arresting or detaining a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. Consular Notification Statements in the language spoken by the individual are available for printing at the United States Department of State website listed above. The officer shall print the appropriate form, provide it to the individual, ask the individual to sign it, and then provide the individual with a copy of the signed form. The original form shall be submitted to the Property and Evidence Section according to established procedures. The notification shall also be documented in the related incident report.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax, telephone or email. Fax, telephone and email contact information can be found at the United States Department of State website listed above.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate in the related incident report and retain the sent emails (in printed form) and/or faxed notifications and any fax confirmations for submission into the Property and Evidence Section.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax, telephone or email. Fax, telephone and email contact information can be found at the United States Department of State website listed above.

(b) Forward any communication from the individual to his/her consular officers without delay.

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The United States Department of State Consular Notification and Access Manual, along with a Consular Notification Process Flow Chart, will be maintained in the temporary detention facility for reference by officers detaining foreign nationals in the temporary detention facility.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 MONITORING OF PERSONS IN TEMPORARY CUSTODY

All individuals confined in the temporary detention facility shall be checked through direct, face-to-face visual observation without the aid of audio and/or video surveillance devices as follows:

(a) Whenever an individual is confined in a detention cell, an officer shall be present in the temporary detention facility. If the arresting officer cannot stay in the temporary detention facility, he/she shall ensure that another officer is present before he/she leaves.

(b) All individuals shall be checked no less than once every ten minutes. These checks will be referred to as visual safety checks.

    1. Visual safety checks should be at random intervals.

    2. The time of each visual safety check shall be entered in the Visual Safety Check Log.

    3. The visual safety check should involve questioning the individual as to his/her well-being.

    4. Individuals who are sleeping or apparently sleeping should be awakened.

(c) An officer placing an individual of the opposite sex as the officer in a detention cell shall attempt to have another officer of the same sex as the individual supervise and conduct the visual safety checks. In the event an officer of the same sex as the individual is not available, two officers shall be used to conduct the visual safety checks.

Additionally, whenever an individual is confined in the temporary detention facility, the officer shall notify the Communications Center. The officer shall also notify the Communications Center when the individual is removed from the temporary detention facility. Individuals confined in the temporary detention facility have the ability to communicate with the Communications Center via an intercom system.

All individuals in temporary custody who are not confined in the temporary detention facility, including individuals in designated processing and testing rooms or areas, shall be monitored by an officer through continuous direct supervision, without the aid of audio and/or video surveillance devices.

900.5.2 TEMPORARY DETENTION FACILITY LOGS

The Special Victims Section Sergeant is responsible for ensuring that logs are kept in the temporary detention facility and that sufficient blank log sheets are available.

(a) All adult detainees shall be logged in the Detention Cell Log. All juvenile detainees shall be logged in the Juvenile Detention Cell Log. The following entries are to be completed by the arresting officer:

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1. Date and time of confinement
2. Date and time of release or transfer
3. Detainee's last name and first initial
4. Detainee's date of birth, gender and race/ethnicity
5. Offense and/or warrant number
6. Disposition of detainee (release or transfer, receiving party or facility, etc.)
7. Arresting officer's name
8. Detention cell number
9. Department case number

(b) Every individual confined in a detention cell shall be entered in the appropriate detention cell log regardless of the amount of time he/she spends in the detention cell.

(c) Every individual confined in a detention cell for a minimum of ten minutes shall be logged in the Visual Safety Check Log. The time of each visual safety check shall be entered in the Visual Safety Check Log, and significant incidents/activities shall be documented in a related report.

(d) Supervisors shall be responsible for ensuring that the officers under their supervision are making the required log entries and conducting timely visual safety checks of individuals in detention cells.

900.5.3 TEMPORARY CUSTODY REQUIREMENTS AND MINIMAL PHYSICAL CONDITIONS

Officers monitoring or processing anyone in temporary custody shall ensure:

(a) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(b) There is reasonable access to toilets.

(c) There is reasonable access to a drinking fountain or water.

(d) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(e) There is privacy during attorney visits.

(f) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(g) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

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(h) Adequate furnishings are available, including suitable chairs or benches.

900.5.4 MEDICAL CARE

Medical services shall be available to persons under the supervision of a licensed physician and shall be immediately provided when necessary at a medical facility.

Should an individual in custody be injured or become ill, appropriate medical aid shall be summoned. An officer shall meet with those providing medical aid at the facility to allow access to the person. Officers shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to a hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

First-aid equipment and basic medical supplies, as recommended by the American Red Cross, shall be available to department members.

Those who require medication while in temporary custody should not be at the Pueblo Municipal Justice Center. They should be released or transferred to another facility as appropriate.

To the extent that the need is known, an officer shall ensure that a person in need of psychiatric aid or treatment is provided such, either by summoning medical aid to the Pueblo Municipal Justice Center or transporting the person to the appropriate facility.

900.5.5 MEDICATION

Given the established maximum detention time of six hours, medications will not be dispensed by department personnel to individuals in temporary custody. Individuals requiring medication should be released, transported to another facility or released pursuant to another lawful process.

900.5.6 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.7 TELEPHONE CALLS

Every individual in temporary custody is entitled to make a reasonable number of completed telephone calls as soon as possible after arrival (CRS § 16-3-402).

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

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(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

1. Telephone calls are not intended to be lengthy conversations. The officer assigned to supervise or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.8 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.9 WEAPONS CONTROL AND OTHER SECURITY MEASURES

(a) Firearms are not permitted in the temporary detention facility. Firearms shall be properly secured outside the temporary detention facility in a gun locker prior to entry.

(b) Officers shall be responsible for controlling all other weapons in their possession while in the temporary detention facility. Only weapons authorized by the department for carry and use may be carried while in the temporary detention facility.

(c) Perimeter doors to the temporary detention facility (1303A and 1310A) shall be kept locked at all times, except during routine cleaning (when no individuals in temporary custody are present) or in the event of an emergency, such as an evacuation.

(d) Unescorted access to the temporary detention facility and DUI Room shall be limited to sworn personnel conducting legitimate police business.

(e) Maintenance and cleaning personnel shall only enter the temporary detention facility when no individuals in temporary custody are present.

(f) Detention cell doors shall be locked at all times.

(g) Detention cell keys shall be maintained in the key box located within the temporary detention facility when not in use.

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900.5.10 DURESS ALARM

The temporary detention facility is equipped with a duress alarm. Each of the two corridors located in the detention cell area contain a red button on the inside wall, opposite the detention cells. The duress alarm is activated by pressing either of the two red buttons. In the event of any emergency in the temporary detention facility, an officer should activate the duress alarm. The Communications Center will receive the alarm and initiate the appropriate response and notifications.

Individual detention cells are not equipped with individual buttons to activate the temporary detention facility duress alarm. Therefore, in the event of an emergency in or near a detention cell in which an officer cannot activate the temporary detention facility duress alarm, the officer should utilize the panic alarm on his/her portable radio to notify the Communications Center and summon assistance.

900.5.11 SECURITY CONCERNS IN DESIGNATED PROCESSING AND TESTING ROOMS OR AREAS

Officers escorting individuals in temporary custody into the designated testing rooms or areas located in the temporary detention facility (i.e., the DUI Room and the adjacent restroom located behind door 1308) shall secure their firearms in the gun lockers outside of the temporary detention facility prior to entry in accordance with the provisions set forth in this policy. Additionally, officers shall be responsible for controlling all other weapons in their possession. Only weapons authorized by the department for carry and use may be carried while in the designated testing rooms or areas located in the temporary detention facility. Officers escorting individuals in temporary custody into the Identification Section for processing related to the collection of fingerprints and biological samples are permitted to remain armed.

Officers encountering emergencies while supervising individuals in temporary custody in designated processing and testing rooms or areas should utilize the panic alarm on their portable radios to summon assistance. An officer who encounters an emergency while supervising an individual in temporary custody while in the designated testing rooms or areas located within the temporary detention facility may also activate the temporary detention facility duress alarm if he/she is able to press either of the two red buttons located in each of the corridors in the detention cell area.

When supervising individuals in temporary custody while in any of the processing and testing rooms or areas, officers shall otherwise abide by the supervision and escape prevention provisions set forth in this policy.

900.5.12 ATTORNEYS AND BAIL

The Watch Commander is responsible to ensure the following:

(a) Any attorney in this state shall be permitted to see and consult with a person in custody, alone and in private (CRS § 16-3-404):

1. Upon the demand of the person in custody.
2. Upon demand of a friend, relative, spouse or attorney of the person in custody, if the person expressly consents to see or to consult with the attorney.

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(b) A person in custody shall be allowed to consult with an attorney as many times and for as long as reasonable.

(c) Any attorney and the person in custody shall be searched for weapons prior to being admitted into the private room or area where the consultation will take place.

(d) Attorneys must produce a current identification card or license from a recognized state regulatory or licensing agency, as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded.

(f) A person's opportunity to make bail shall not be impeded by delaying transfer to another facility.

900.5.13 FOOD SERVICE

Food will generally not be provided to individuals in temporary custody. If special circumstances exist which necessitate providing food for an individual in temporary custody, however, the food shall be purchased from a retail or commercial food vendor, and the provision of such food shall be documented in a related report. If food cannot be provided, the arresting officer shall expedite the release of the individual or the movement of the individual to a facility that serves food, if appropriate.

900.5.14 VISITORS

Given the established maximum detention time of six hours, individuals in temporary custody are not allowed to see visitors. Exceptions may be made, however, to allow necessary communication between visitors and individuals in temporary custody for the purpose of making arrangements for child and dependent adult care.

900.5.15 MEDIA ACCESS

No media representatives shall be allowed into the temporary detention facility.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy and the Temporary Custody of Juveniles Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a detention cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Pueblo Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 SECURING INDIVIDUALS TO FIXED OBJECTS PROHIBITED

Officers are prohibited from restraining individuals by securing them to fixed objects. Refer to the Handcuffing and Restraints Policy and the Temporary Custody of Juveniles Policy for guidance on the proper application of restraints.

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900.6.2 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY
The personal property of an individual in temporary custody shall be handled as provided in the Custodial Searches Policy. When an individual is released from temporary custody, all property, except evidence, contraband and dangerous weapons, shall be returned to the individual. When an individual is transported to another facility, all property, except evidence, contraband and dangerous weapons, shall be transported with the individual and delivered to the receiving facility.

900.8 SECURING INDIVIDUALS IN DETENTION CELLS
In addition to the other provisions set forth in this policy, the following procedural steps shall be taken by an officer securing an individual in a detention cell:

(a) The officer shall secure his/her firearm(s) in a gun locker before entering the temporary detention facility.

(b) The officer shall be responsible for controlling all weapons in his/her possession while in the temporary detention facility. Only weapons authorized by the department for carry and use may be carried while in the temporary detention facility.

(c) The officer shall immediately notify his/her supervisor.

(d) The officer shall notify the Communications Center.

(e) The officer shall conduct a search of the individual in accordance with the Custodial Searches Policy, and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed and secured.

(f) The officer shall conduct a thorough inspection of the detention cell before placing the individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary.

(g) The individual shall have constant auditory access to department members. The officer shall test the intercom system to ensure it is operational, and explain to the individual how to use the intercom system.

(h) Unless the individual presents a heightened risk, handcuffs should generally be removed before the person is locked in a detention cell.

(i) The officer shall place the individual in the detention cell and lock the cell door. Only one person may be confined in an individual detention cell.

(j) The officer shall strategically select the most appropriate detention cell into which to place the individual, keeping in mind that males and females shall be separated by sight and sound, and adults and juveniles shall also be separated by sight and sound.

(k) The officer shall conduct required visual safety checks in accordance with this policy.

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(l) The officer shall complete all required log entries during the individual's confinement in a detention cell, including the date and time of the individual's initial placement into and removal from the detention cell.

(m) When the individual is released from the detention cell, the officer shall conduct an inspection of the cell. Any damage noted to the cell should be photographed and documented, and additional criminal charges made if warranted.

(n) The officer shall notify his/her supervisor and the Communications Center upon releasing the individual from the temporary detention facility.

900.9 DEATH OR SERIOUS INJURY

Should a department member discover the death or serious injury of an individual in temporary custody at this department, he/she shall immediately notify the Communications Center for a response by emergency medical personnel. The department member shall also notify the Watch Commander. The notification of other department members shall follow the procedures set forth in the Major Incident Notification Policy.

The investigation of the circumstances surrounding the death of any individual in temporary custody at this department will be conducted in accordance with the Tenth Judicial District Critical Incident Team protocol and applicable policy. The Services Bureau Chief or the authorized designee will conduct an administrative review of the incident.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from temporary custody, the officer releasing the individual should ensure the following:

(a) All proper forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(d) All pertinent documentation accompanies the individual being transported to another facility.

(e) The individual is not permitted in any non-public areas of the Pueblo Municipal Justice Center unless escorted by a member of the Department.

(f) The officer transporting an individual who poses a known threat or danger (e.g., escape risk, suicide potential, medical condition) shall ensure that such risk(s) is communicated to intake personnel at the receiving facility.

(g) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

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900.11 ESCAPE PREVENTION AND PROCEDURES

As required by the provisions set forth in this policy, an officer shall be present whenever an individual is in temporary custody at the Pueblo Municipal Justice Center. When an individual is in temporary custody at the Pueblo Municipal Justice Center but not confined in the temporary detention facility, an officer shall continuously supervise the individual by direct, face-to-face supervision. When an individual is confined in a detention cell within the temporary detention facility, an officer shall be continuously present in the temporary detention facility and conduct visual safety checks as required by this policy. Officers supervising individuals in temporary custody at the Pueblo Municipal Justice Center shall have the primary responsibility for taking the necessary actions to prevent escapes.

In the event of an attempted escape from the Pueblo Municipal Justice Center, including the designated processing and testing rooms or areas and the temporary detention facility within, the following measures shall be taken:

(a) The officer responsible for supervising the individual attempting to escape shall announce the attempt via radio and take appropriate, immediate action to prevent the escape. If the officer has the ability, he/she should also activate the duress alarm located in the temporary detention facility.

(b) All available personnel are to respond to aid in the prevention of the escape attempt.

(c) All Pueblo Municipal Justice Center video systems will be monitored by the Communications Center.

(d) The Communications Center shall 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 appropriate location to prevent the escape and/or assist the officer involved.
3. Alert administrative personnel in accordance with the Major Incident Notification Policy.

(e) If the escape is successful the Communications Center should, with the approval of the Watch Commander, complete a National Criminal Information Center (NCIC) teletype broadcast to surrounding agencies. The teletype provides a physical description of the escapee, the reason for detention, whether the person is armed and if there were any injuries related to the escape.

900.11.1 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.

900.11.2 POST-ESCAPE INCIDENT ACTIONS

Once the escape has been thwarted or escapees captured, the Communications Center shall announce, via radio, the end to the alert and the resolution of the incident.

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900.12 FIRE PREVENTION AND INSPECTIONS

The temporary detention facility is equipped with smoke detectors that trigger alarms. The facility is also equipped with a strategically located fire extinguisher. The Support Services Manager shall conduct a documented inspection of the temporary detention facility on a quarterly basis, as part of his/her building maintenance duties, to ensure:

(a) No flammable materials are stored in the detention area.

(b) The fire extinguisher is serviceable.

(c) Detention cell keys are accounted for and located in the designated area.

(d) A first-aid kit is readily available and completely stocked.

(e) Smoke detectors are operational.

In addition to the fire prevention components of the quarterly inspections, the inspections shall also account for the following:

(a) Security

(b) Control

(c) Conditions

(d) Cleanliness

(e) Supplies

(f) Overall state of compliance

The Support Services Manager shall take immediate steps to eliminate any fire hazards and correct any general deficiencies identified during the quarterly inspections. Major issues shall be reported to the Chief of Police via the chain of command without delay. The quarterly inspections shall be documented on the Temporary Detention Facility Inspection Checklist developed and maintained by the Support Services Manager.

The temporary detention facility shall also be inspected annually by the Fire Department.

900.13 EMERGENCY EVACUATION

In the event of a fire or other emergency requiring evacuation of the Pueblo Municipal Justice Center, including the designated processing and testing rooms or areas and the temporary detention facility within, the Communications Center shall immediately be notified. The Communications Center will then initiate a response by the appropriate agencies (e.g., Fire Department), air the information on all police channels and ensure the appropriate personnel are notified per the Major Incident Notification Policy. All available on-duty officers shall respond to assist as necessary. The officer who discovered the emergency and responding officers shall be responsible for the following:

(a) Initiating movement of all individuals in temporary custody to an evacuation formation area as provided in this policy,

(b) Obtaining medical services as needed,

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(c) Securing individuals in temporary custody in a safe area,

(d) Beginning fire suppression activities (e.g., use of the fire extinguisher) or other emergency mitigation actions, as appropriate,

(e) Arranging transportation of individuals in temporary custody to a housing facility or other destination as necessary, and

(f) Initiating an investigation concerning the origin of the fire or other emergency, along with filing the necessary reports.

Safety and security concerns should be considered in the following order:

(a) Safety of public

(b) Safety of department personnel

(c) Safety of individuals in temporary custody

(d) Security of individuals in temporary custody

900.13.1 EVACUATION PROCESS

Individuals in temporary custody at the Pueblo Municipal Justice Center who are not confined in the temporary detention facility shall be evacuated from the building to a safe evacuation formation area using the nearest exit. Individuals confined in the temporary detention facility shall be evacuated from the facility to a safe evacuation formation area using either door 1303A or door 1310A. Officers conducting the evacuation shall choose the evacuation route based upon the direction and source of the emergency, moving the individuals away from the danger. Stairwells should be used in lieu of elevators during emergency evacuations.

When time permits, all individuals in temporary custody will be restrained as deemed necessary by the officer(s) conducting the evacuation. The evacuation should be conducted in an orderly fashion.

900.13.2 EVACUATION FORMATION AREA

All individuals in temporary custody will be formed in a safe location where they will be held until the Pueblo Municipal Justice Center can again be safely occupied, or in the case of an emergency exceeding six hours in duration, until they can be released or transported to another facility.

Juveniles are to be kept separate from adults, and females separate from males.

Only after the safety and security of the individuals in temporary custody are assured will personnel participate in fire suppression or other emergency activities.

900.13.3 CITY-WIDE OR REGIONAL DISASTERS

In cases of city-wide or regional disasters, the Watch Commander may authorize the release of individuals detained for crimes requiring mandatory arrest only if transporting them to a jail or housing facility is not practicable. 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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900.13.4 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION
As necessary, evacuating officers should apply first-aid techniques to those individuals injured because of the emergency or during the evacuation procedure until professional medical aid arrives to assist.

900.13.5 REPORTS
The Watch Commander will ensure that any emergency evacuation of the Pueblo Municipal Justice Center, including the designated processing and testing rooms or areas and the temporary detention facility within, is documented appropriately.

900.14 ADMINISTRATIVE REVIEW OF THE TEMPORARY DETENTION FACILITY
A documented administrative review of the temporary detention facility, along with the written directives that guide its operation, shall be completed on an annual basis, at a minimum. The purpose of the administrative review is to ensure that department policies and procedures governing temporary detention are being followed and that the original intent for authorization and use of the temporary detention facility continues to be adequate for the Department's needs. The administrative review should also indicate whether training, equipment or disciplinary issues should be addressed. The administrative review shall be conducted for the Chief of Police by the Support Services Captain.

900.15 TRAINING
Department members charged with monitoring individuals in temporary custody shall be provided initial training on the use of the temporary detention facility and in-service training at least once every four years.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the temporary detention facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

While this policy applies to both adults and juveniles in custody, officers shall adhere to the additional custody requirements set forth in the Temporary Custody of Juveniles Policy when searching a juvenile in custody.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Gender expression – A person's external appearance, characteristics, clothing or behaviors typically associated with a specific gender. The gender a person expresses can be different from the gender with which the person identifies. Transvestism (dressing in a manner typically associated with the opposite sex) is a form of gender expression.

Gender identity – An innate sense of one's own gender. The gender that a person identifies with may be different from the gender the person was assigned at birth.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person. For the purpose of this policy, a visual inspection of the mouth is not considered a physical body cavity search.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the female breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her buttocks, genitalia or female breasts are visible.

Transgender – Having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

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Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after his/her arrest, and when receiving an individual from the custody of another. The transporting officer shall conduct a custody search of an individual who is in custody before transporting him/her in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Pueblo Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same gender as the individual being searched. If a member of the same gender is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should either be released to the care of a third party with the permission of the detainee or retained for safekeeping in accordance with the Property and Evidence Policy. All property entered into the Property and Evidence Section shall be listed by objective description in the property module of the related report.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the envelope. 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 department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial

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it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any Pueblo Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance will not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Pueblo Police Department facilities, with or without a search warrant, shall be conducted as follows (28 CFR 115.115; CRS § 16-3-405):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same gender as the individual being searched, unless the search is conducted by a medical practitioner.

(c) In the event the individual to be searched is transgender, the individual shall be asked which gender of officer the individual prefers to conduct the search. The search will then be performed by an officer of the gender requested by the individual being searched. If an officer of the gender requested by the individual to be searched is unavailable, the search shall be conducted by a medical practitioner or a law enforcement officer from a different agency.

1. Officers may conduct a "split search" of a transgender individual if requested by the individual to be searched, which consists of a female officer searching areas

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with female genitalia or anatomy and a male officer searching areas with male genitalia or anatomy.

(d) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(e) Whenever possible, a second member of the same gender should also be present during the search, for security and as a witness to the finding of evidence.

(f) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(g) The primary member 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. A copy of the search warrant, if any.
5. The name of the individual who was searched.
6. The name and gender of the members who conducted the search.
7. The name, gender and role of any person present during the search.
8. The time and date of the search.
9. The place at which the search was conducted.
10. A list of the items, if any, that were recovered.
11. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(h) No member should view an individual's buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor shall be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(i) A copy of the written authorization shall be retained and made available upon request to the detainee or the detainee's authorized representative. If a search warrant has been obtained, a copy shall be retained and made available upon request to the detainee or the detainee’s representative (except for those portions of the warrant ordered sealed by a court).

(j) In instances involving the strip search of a juvenile, the juvenile’s parent, guardian or legal custodian shall be contacted and asked to respond to the location of the search.

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901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written authorization of the Watch Commander and only upon a search warrant. A copy of the search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician or nurse may conduct a physical body cavity search (CRS § 16-3-405(5)).

(c) Except for the physician or nurse conducting the search, persons present must be of the same gender as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) In the event the individual to be searched is transgender, the individual shall be asked which gender of officer the individual prefers to be present during the search. Only officers of the gender requested by the individual being searched shall be present during the search.

(e) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(f) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
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. A copy of the search warrant.

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5. The time, date and location of the search.
6. The medical personnel present.
7. The names, gender and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(g) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

(h) In instances involving the physical body cavity search of a juvenile, the juvenile's parent, guardian or legal custodian shall be contacted and asked to respond to the location of the search.

901.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting cross-gender searches of individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The City's standards and procedures with respect to the recruitment and selection of entry level police patrol officers are set forth by ordinance and Civil Service Rules contained in Title VI of the Pueblo Municipal Code. Please refer to said Title and/or visit the City of Pueblo's website.

Subject to said provisions, all appointments are made based on merit and fitness. No applicant shall be discriminated against or denied equal employment opportunity in the service of the City on the basis of race, color, religion, political affiliation, sex, sexual orientation, national origin, ancestry, age or disability, except as otherwise may be provided by law.

1000.2 SCREENING

To ensure a continuously high quality among candidates for employment with the Pueblo Police Department, it shall be the Department's policy to carefully screen all candidates for positions with the Department, and to conduct complete background investigations of same. Background investigations shall include, but are not limited to, the following: verification of the candidate’s qualifying credentials (age, residence, citizenship, educational achievement, etc.), review of the candidate’s criminal record (if any), and verification of at least three of the candidate’s personal references. The candidate’s criminal history shall be obtained from the National Crime Information Center (NCIC), Colorado Crime Information Center (CCIC), Federal Bureau of Investigations (FBI) via fingerprint check, and other applicable criminal history record information repositories. Personal references shall include at least one employer (if the candidate has an employment history) and may include teachers, landlords, neighbors, friends and co-workers. The verification of the candidate’s qualifying credentials and personal references can be made by telephone, correspondence, personal interview and computer inquiry (when appropriate), and shall be documented.

1000.3 JOB DESCRIPTIONS

The Support Services Captain shall conduct a documented review of job descriptions of all department employees every four years, at a minimum. The purpose of the review is to ensure that all department job descriptions are current and made available to all department personnel.

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Promotion Policy

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the minimum elements of the promotion process for personnel. The City's standards and procedures with respect to the promotion of personnel are set forth by applicable collective bargaining agreement, Ordinance and Civil Service Rules contained in Title VI of the Pueblo Municipal Code. Please refer to said Title and/or visit the City's website.

1001.2 POLICY

Subject to the provisions set forth by applicable collective bargaining agreement, Ordinance and Civil Service Rules contained in Title VI of the Pueblo Municipal Code (PMC), all promotions are made based on merit and fitness. No employee shall be discriminated against or denied equal employment opportunity in the service of the City on the basis of race, color, religion, political affiliation, sex, sexual orientation, national origin, ancestry, age or disability, except as otherwise may be provided by law.

1001.3 ELEMENTS OF PROMOTION PROCESS

At a minimum, the following elements shall be contained in all personnel promotion processes, in accordance with the procedures set forth by applicable collective bargaining agreement, Ordinance and Civil Service Rules in Title VI of the Pueblo Municipal Code:

(a) Civil service examination

(b) Oral interview

In the event that there is only one candidate for promotion, the oral interview may be waived.

1001.3.1 CIVIL SERVICE EXAMINATION

The civil service examination will be prepared and administered by the Civil Service Administrator for the purpose of establishing an eligibility list. The eligibility list will rank the eligible personnel by a combination of test score and seniority points in accordance with Title VI, Chapter 13, Article IV of the Pueblo Municipal Code.

1001.3.2 ORAL INTERVIEW

The Chief of Police will select a committee of at least three persons to evaluate the eligible personnel via an oral interview. The committee composition is subject to the approval of the Director of Human Resources.

1001.4 FINAL APPOINTMENT

After consultation with the Chief of Police and the committee, the Director of Human Resources shall forward the names of all persons certified and recommendations to the Mayor, who shall make the final appointment.

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Specialized Assignment Transfers and Collateral Duty Assignments

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for transfer to specialized assignments as well as required and desirable qualifications for collateral duty assignments. Additionally, this policy establishes procedures for the application and selection process for both specialized assignments and collateral duty assignments. This policy applies to sworn officers.

1002.1.1 DEFINITIONS

Definitions related to this policy include:

Collateral duty assignment – A part-time duty or assignment that is outside of, and in addition to, the officer's regular, full-time assignment.

Specialized assignment – Any full-time assignment outside of the Patrol Division.

1002.1.2 SPECIALIZED ASSIGNMENTS

Assignment to specialized assignments are considered transfers (internal, lateral movement) and are not considered promotions.

The following are examples of non-supervisory specialized assignments:

(a) Accreditation Manager
(b) Crime Prevention Officer
(c) Detective
(d) School Resource Officer
(e) Traffic Officer
(f) Training Officer

The following are examples of supervisory specialized assignments:

(a) Detective Sergeant
(b) Internal Affairs Sergeant
(c) Property and Evidence Section Sergeant
(d) School Resource Officer Section Sergeant
(e) Traffic Sergeant
(f) Training Sergeant

1002.1.3 COLLATERAL DUTY ASSIGNMENTS

The following are examples of non-supervisory collateral duty assignments:

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(a) Crisis Negotiator

(b) Honor Guard member

(c) Instructor

(d) SWAT Team Operator

The following are examples of supervisory collateral duty assignments:

(a) Crisis Negotiation Team Sergeant

(b) Honor Guard Sergeant

(c) SWAT Team Sergeant

1002.2 GENERAL REQUIREMENTS AND DESIRABLE QUALIFICATIONS

The following general requirements apply to selection for specialized assignments:

(a) A minimum of three years of experience with the Pueblo Police Department as a certified officer.

(b) Regular employee status.

(c) No disciplinary action above a Letter of Reprimand within the two years prior to the date of application for the specialized assignment.

The following general requirements apply to selection for collateral duty assignments:

(a) A minimum number of years of experience with the Pueblo Police Department as a certified officer, which shall be based on what is reasonably required for the specific collateral duty assignment as determined by the applicable Bureau Chief.

(b) Regular employee status.

(c) No disciplinary actions above a specified level taken against the applicant within a specified timeframe. The disciplinary threshold and timeframe shall be determined by the applicable Bureau Chief based on what is reasonable for the specific collateral duty assignment.

The following desirable qualifications will be considered for transfer to specialized assignments and selection for collateral duty assignments:

(a) Education, training and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing and public relations.

(b) Presents a professional and neat appearance.

(c) Maintains a physical condition that aids in his/her performance.

(d) Demonstrates:

1. Emotional stability and maturity,
2. Stress tolerance,
3. Sound judgment and decision-making,
4. Personal integrity and ethical conduct,

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5. Leadership,
6. Initiative,
7. Adaptability and flexibility,
8. Ability to conform to organizational goals and objectives, and
9. Skills and abilities related to the position.

1002.3 SELECTION PROCESS FOR NON-SUPERVISORY SPECIALIZED ASSIGNMENTS

The following procedure shall apply to transfers for non-supervisory specialized assignments:

(a) The captain responsible for the vacant assignment will draft a vacancy announcement that lists the required application information and materials. The captain will then disseminate the vacancy announcement to the Department via email.

(b) Upon receipt of application packages, the captain responsible for the vacant assignment will conduct an administrative evaluation that shall include, at a minimum, a review of the supervisor recommendations, current captain's comments and prior performance evaluations. The captain may also establish additional criteria such as enforcement history, work product, relevant training, etc., all of which will be included in the vacancy announcement. The captain may use any department record reflecting work product or productivity of the applicant. Failure by the applicant to meet the minimum qualifications or to submit the required documentation listed in the vacancy announcement will be cause to disqualify an applicant from the selection process.

(c) Each supervisor who has directly supervised or has otherwise been accountable for the applicant's performance within the past 12 months will submit recommendations upon notification that the applicant employee wishes to submit an application.

(d) The supervisor recommendations will be submitted to the captain where the vacancy exists through the applicant's chain of command with comments from the applicant's current captain.

(e) The captain responsible for the vacant assignment will schedule interviews with each candidate.

(f) The interview committee will minimally consist of the sergeant over the section, one line officer from the section, and one sergeant or captain from outside of the division. Regardless of the size of the interview committee, a minimum of one committee member from outside of the affected division shall participate on the interview committee.

(g) Based on recommendations from the interview panel, the captain will submit his/her recommendation to the Bureau Chief of the affected bureau and the Chief of Police.

(h) The Chief of Police will make the final selection.

1002.4 SELECTION PROCESS FOR SUPERVISORY SPECIALIZED ASSIGNMENTS

The following criteria apply to transfers for supervisory specialized assignments within the classification sergeant:

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(a) The captain responsible for the vacant assignment will draft a vacancy announcement that lists the required application information and materials. The captain will then disseminate the vacancy announcement to the Department via email. Vacancy announcements will be posted for a minimum of seven days.

(b) Upon receipt of application packages, the captain responsible for the vacant assignment will conduct an administrative evaluation that shall include, at a minimum, the applicant's current captain's comments and prior performance evaluations. The captain may also establish additional criteria such as enforcement history, work product, relevant training, etc., all of which will be included in the vacancy announcement. The captain may use any department record reflecting work product or productivity of the applicant. Failure by the applicant to meet the minimum qualifications or to submit the required documentation listed in the vacancy announcement will be cause to disqualify an applicant from the selection process.

(c) Each captain who has directly supervised or has otherwise been accountable for the applicant's performance within the past 12 months, including the applicant's current captain, will submit recommendations upon notification that the applicant employee wishes to submit an application.

(d) The captain responsible for the vacant assignment will schedule interviews with each candidate.

(e) The interview committee will minimally consist of the captain over the section, one sergeant from the division, and one sergeant or captain from outside of the division. Regardless of the size of the interview committee, a minimum of one committee member from outside of the affected division shall participate on the interview committee.

(f) Based on the administrative evaluation and interviews, the captain will submit his/her recommendation to the Bureau Chief of the affected bureau and the Chief of Police.

(g) The Chief of Police will make the final selection.

1002.5 SELECTION PROCESS FOR COLLATERAL DUTY ASSIGNMENTS

The following procedure shall apply to selection for collateral duty assignments:

(a) The sergeant/captain responsible for the vacant assignment will draft a vacancy announcement that lists the required application information and materials. The sergeant/captain will then disseminate the vacancy announcement to the Department via email. Vacancy announcements will be posted for a minimum of seven days.

(b) Upon receipt of application packages, the sergeant/captain responsible for the vacant assignment will conduct an administrative evaluation that shall include, at a minimum, prior performance evaluations. The sergeant/captain may also establish additional criteria such as enforcement history, work product, relevant training, etc., all of which will be included in the vacancy announcement. The sergeant/captain may use any department record reflecting work product or productivity of the applicant. Failure by the applicant to meet the minimum qualifications or to submit the required documentation listed in the vacancy announcement will be cause to disqualify an applicant from the selection process.

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(c) Upon completion of the administrative evaluation, the sergeant/captain shall submit his/her recommendation to the Chief of Police via the chain of command.

(d) The sergeant/captain responsible for the vacant assignment may add additional steps in the selection process, such as interviews, skills testing, etc.

(e) The Chief of Police will make the final selection.

1002.6 SPECIAL CIRCUMSTANCES

The policies and procedures set forth in this policy for the selection of personnel for specialized assignments and collateral duty assignments may be waived for temporary assignments, emergency situations, training, and in the event no qualified applicant applies.

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Specialized Assignment Rotation and Core Position Policy

1003.1 PURPOSE AND SCOPE

It is the intent of the Pueblo Police Department that all officers have the opportunity during their career to serve in specialized assignments. To facilitate that opportunity, the following procedure is established whereby a rotation of positions within specialized sections will occur. In addition, to prevent the specialized section from losing knowledge gained only by experience, core positions will be established within specialized sections which will allow officers to remain in the specialized section indefinitely, as long as they maintain a high level of work performance.

1003.2 ROTATION OF OFFICERS IN SPECIALIZED ASSIGNMENTS

The following conditions apply to officers assigned to specialized sections unless otherwise selected for a core position:

(a) Officers may be assigned to specialized assignments for a maximum of eight years at a time. At the end of eight years, officers must rotate back to the Patrol Division.

(b) After rotation back to the Patrol Division, regardless of length of service in the specialized assignment, officers will not be eligible to apply for a specialized assignment any sooner than one year from leaving their prior specialized assignment.

(c) Although officers can apply for transfer to another specialized assignment while in a specialized assignment, the combined total time in specialized assignments cannot exceed eight years at a time.

(d) If upon advertisement of a specialized assignment there are no individuals qualified or no applicants, the officer holding the position may stay in the assignment for one additional calendar year from the date of vacancy posting. At the end of the one-year extension the vacancy must be re-adverstised. Additional one-year extensions shall be granted until the vacancy is filled by a qualified applicant.

(e) All officers assigned to a task force shall follow the rotation schedule. No task force may establish a core position. Task force officers who occupied previously-established core positions shall have a maximum of eight years in such specialized assignment from the issuance date of this policy revision.

1003.3 CORE POSITIONS WITHIN SPECIALIZED SECTIONS

The following conditions apply to core positions within specialized sections:

(a) Each section is allowed a maximum of 50% of their allotted staffing level to be designated as core positions. A minimum of 25% of the allotted staffing level must be designated as core positions. If there is only one position to be considered, however, it shall be considered a rotating position. If there are two positions to be considered, one will be a core position and one will be a rotating position. If there are three positions to be considered, one will be a core position and two will be rotating positions. If there are four positions to be considered, two will be core positions and two will be rotating

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positions. If there are five positions to be considered, two will be core positions and three will be rotating positions, etc.

(b) Officers will be selected for core positions by the first-line supervisors with the approval of the Chief of Police and the respective chain of command.

(c) Officers assigned to a core position may at the discretion of the Chief of Police remain in the core position indefinitely and beyond the maximum eight year period.

1003.4 ROTATION OF FIRST-LINE SUPERVISORS IN SPECIALIZED ASSIGNMENTS

he following conditions apply to first-line supervisors in specialized assignments:

(a) First-line supervisors may be assigned to a specialized assignment for a maximum of eight years. At the end of eight years, supervisors must rotate back to the Patrol Division.

(b) After rotation back to the Patrol Division, regardless of length of service in the specialized assignment, first-line supervisors will not be eligible to apply for a specialized assignment any sooner than one year from leaving their prior specialized assignment.

(c) If upon advertisement of a specialized assignment there are no individuals qualified or no applicants, the first-line supervisor holding the position may stay in the assignment for one additional calendar year from the date of vacancy posting. At the end of the one-year extension the vacancy must be re-adverstised. Additional one-year extensions shall be granted until the vacancy is filled by a qualified applicant.

1003.5 ROTATION SCHEDULE

With the exception of officers assigned to the School Resource Officer Section, all officers and first-line supervisors reaching their eight year anniversary date in specialized assignments in any calendar year will rotate to the Patrol Division on January 1st of the following calendar year. The purpose of this schedule is to facilitate Patrol Division shift and vacation sign-ups.

Officers assigned to the School Resource Officer Section who reach their eight year anniversary date in specialized assignments during the school year (September through June) will rotate to the Patrol Division on the first September 1st following such eight year anniversary date. The purpose of this schedule is to facilitate the transition between school years.

1003.6 SPECIAL CIRCUMSTANCES

The following criteria govern special circumstances:

(a) Officers or first-line supervisors who are temporarily reassigned from the Patrol Division to specialized assignments at the direction of the Chief of Police are not required to serve one year in the Patrol Division after leaving the specialized assignment before applying to a full-time position in a specialized section.

(b) This policy shall not apply to collateral duty assignments such as the Bomb Squad and the SWAT Team.

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(c) The policy and procedures for rotation may be waived for temporary assignments, emergency situations and training at the discretion of the Chief of Police.

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Grievance Procedure

1004.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote free verbal communication between employees and supervisors.

1004.2 GRIEVANCE PROCESS

With respect to employees within a bargaining unit, the scope of the grievance process and the process itself is set forth in the applicable collective bargaining agreement and same should be consulted.

With respect to other employees and to the extent applicable, the scope of the grievance process and the process itself is set forth in Title VI of the Pueblo Municipal Code.

1004.3 PUNITIVE ACTION

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

1004.4 GRIEVANCE RECORDS

Upon receipt of a written grievance, including receipt of any subsequent grievance in the grievance process (collectively the "Grievance"), the following must be done:

(a) Date stamp the grievance at the time it is received.

(b) Notify the Chief of Police and the Director of Human Resources immediately that the Grievance has been received.

(c) Forward a copy of the Grievance to the Chief of Police, Director of Human Resources and the Mayor.

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Services Bureau for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Mayor's office to monitor the grievance process.

1004.5 GRIEVANCE AUDITS

The Services Bureau Chief shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Services Bureau Chief shall record these findings in a memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this Policy Manual, the Services Bureau Chief should promptly notify the Chief of Police.

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Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any criminal convictions.

1005.2 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, cohabitant, parent, child) (18 USC § 922; CRS § 18-12-108).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 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)).

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 any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

1005.3.1 COURT ORDERS

All employees shall promptly notify the Department 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).

1005.4 REPORTING PROCEDURE

All employees shall promptly notify their immediate supervisor in writing of any criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All certified employees shall also promptly notify their immediate supervisor in writing if the employee becomes the subject of a family violence restraining order issued by a court of competent jurisdiction.

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Reporting of Employee Convictions

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, transfer, suspension and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1006.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members 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 (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

The City of Pueblo provides a voluntary Employee Assistance Program to assist employees who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers 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. Employees may use leave for confidential visits consistent with the Sick Leave Policy and/or employee bargaining agreement.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test when the supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

1006.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but that refusal may result in dismissal or other disciplinary action.

1006.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

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(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1006.8 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the Employee Assistance Program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave

1007.1 PURPOSE AND SCOPE

Employees of this department are provided with paid sick leave benefits and, if qualifying, benefits under the Family and Medical Leave Act. Please see General Regulation No. 17 with respect to Family and Medical Leave Act benefits. Bargaining unit employees may have additional benefits including injury leave, maternity and paternity leave and thier applicable collective bargaining agreement should be consulted.

1007.2 EMPLOYEE RESPONSIBILITIES

Paid sick leave to the extent the same is accrued and unused shall be granted to employees in case of actual illness, injury or disability of the employee, occurring without negligence of the employee; or for a maximum of three work days in each consecutive twelve months for illness of the employee's spouse, child, parent, parent-in-law, or member of the employee's household, subject to verification thereof. A medical certificate subscribed by the treating physician on forms supplied by the City shall be required for any absence for which paid sick leave is claimed by the employee for his own illness, injury or disability exceeding three consecutive working days; provided, further, the Mayor, or the Chief of Police in any case of suspected abuse of sick leave privileges, may require such medical certificate for any absence for which paid sick leave is claimed by the employee. Use or attempted use of paid sick leave benefits for any reason other than actual illness or disability shall be deemed an activity unbecoming an employee of the City.

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. If an employee is eligible to take protected leave under the Family and Medical Leave Act of 1993 and believes that he/she has a serious medical condition which qualifies him/her for FMLA covered leave, such employee shall contact the Department of Human Resources for information about rights and responsibilities under the act and in accordance with City of Pueblo General Regulation #17.

1007.2.1 NOTIFICATION

Employees shall notify the Department 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 one hour before the start of their scheduled shift. If an employee is unable to contact the Department in the case of an emergency, every reasonable effort should be made to have a representative contact the Department.

1007.2.2 MONITORING USE AND ABUSE OF SICK LEAVE

Sick leave abuse or excessive usage will be monitored based on the following criteria:

- Consistent or frequent sick leave usage immediately before or after scheduled days off
- Consistent or frequent sick leave usage immediately before or after vacation days

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- Consistent or frequent sick leave usage on holidays
- Consistent or frequent sick leave usage that coordinates with days off, vacation, or sick leave usage by spouse or significant other also employed by the City of Pueblo
- A pattern of sick leave usage on certain days without explanation
- Maintaining a sick leave accrual balance at or near zero

1007.3 EXTENDED ILLNESS

Employees on extended absences should contact their unit supervisor no less than every two weeks to provide an update on their absence and expected date of return. Supervisors shall maintain reasonable contact with, and periodically check the status of, employees under their supervision who are on prolonged sick leave, and report their findings to the Chief of Police via chain of command.

1007.4 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. Supervisors should address the use of sick leave in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program or initiating the Personnel Early Intervention System.

1007.5 OUTSIDE/EXTRA DUTY EMPLOYMENT

Members on sick leave shall not work at any outside or extra duty employment during their scheduled work shift on the same calendar day in which the employee utilizes sick leave. Working an outside or extra job on the same calendar day the employee has called off sick, outside of the regular scheduled work shift may be indicative of abuse of sick leave, depending on the circumstances.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Pueblo Police Department.

1008.2 POLICY

The Pueblo Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Operations Bureau Chief will serve as the Department's Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Providing baseline testing for members who are exposed to known or possible sources of hepatitis C during the course and within the scope of employment (CRS § 8-42-101).

2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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3. Reporting of diseases (6 CCR 1009-1:1 et seq.; 6 CCR 1009-7:1 et seq.).
4. Reporting cases of active or suspected tuberculosis to the Colorado Department of Public Health and Environment (CRS § 25-4-502; 6 CCR 1009-1:4).

The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

All members who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease, are encouraged to obtain appropriate immunization

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treatment at their own expense. While suggested immunization treatments are HBV, Tetanus and Influenza, department personnel should consult their personal physicians for individual recommendations.

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury and Death Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

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(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING
The City of Pueblo may provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure via the Employee Assistance Program.

1008.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Working with the Colorado Department of Public Health and Environment or local health officers through their authority to investigate and control communicable diseases (CRS § 25-1.5-102; CRS § 25-4-506; CRS § 25-4-408; CRS § 25-4-412; CRS § 25-4-413).

(c) Obtaining a court order for exposures related to assault offenses (CRS § 16-3-303.8; CRS § 18-3-202; CRS § 18-3-203; CRS § 18-3-204; CRS § 18-3-415).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member'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.

1008.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place, and periodically thereafter.

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(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

It is the policy of the Pueblo Police Department to comply with the provisions of all applicable laws and Ordinances, including without limitation, Chapter 6 of Title VII of the Pueblo Municipal Code, concerning smoking of tobacco in public places and places of employment, and to present a positive image by respecting the rights and wishes of others when in public.

For the purpose of this policy, tobacco products are defined as any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, smokeless tobacco and dipping tobacco.

All restrictions and prohibitions on the use of tobacco and lighted smoking instruments contained in this policy also apply to electronic cigarettes (also known as vapor cigarettes).

1009.2 POLICY

Department members shall refrain from using tobacco products when in direct contact with the public, or in any public place unless such activity is expressly allowed.

The use of tobacco products is prohibited in all department facilities and in all department vehicles. Smoking is prohibited within 20 feet of any door, entrance way, operable window/vent or other opening to enclosed areas where smoking is prohibited. It shall also be the responsibility of all employees to ensure that no person smokes or uses tobacco products inside department facilities and department vehicles. (CRS § 25-14-204 (1)).

Cigarette butts shall be discarded in proper receptacles only. Department members shall not spit smokeless chewing tobacco in drains, toilets, urinals, water faucets, sinks, garbage receptacles, etc. Saliva receptacles used for spitting chewing tobacco, or “spittoons”, are prohibited in all department facilities and in department vehicles. Saliva receptacles include, but are not limited to, cuspidors, beverage bottles and beverage cans.

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Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Pueblo Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

Additional guidance, provisions, changes or additions may be contained in the applicable collective bargaining agreements or policy set by the City of Pueblo.

1010.2 POLICY

The Pueblo Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. All complaints against the Pueblo Police Department or its members will be investigated, including complaints from anonymous sources.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements (CRS § 24-31-305).

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 INTERNAL AFFAIRS SECTION

The Internal Affairs Section exists to ensure the integrity of the Pueblo Police Department. It is the responsibility of the Internal Affairs Section to ensure that intensive, impartial investigations of complaints are conducted in a manner that provides for objectivity, fairness and justice for all parties to the complaint.

The Internal Affairs Section will serve as the repository of all complaint investigation records, subject to the provisions set forth in this policy as well as the Personnel Files Policy. The Internal Affairs Section shall be staffed by at least one sergeant who will be responsible for the internal affairs function and who will have the authority to report directly to the Chief of Police. The Special Services Division Captain shall be responsible for the direct supervision and control of the Internal Affairs Section.

1010.4 PERSONNEL COMPLAINTS

Personnel complaints, also referred to as "complaint" or "complaints" herein, include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

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Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.4.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which a supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Section, depending on the category of the personnel complaint.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Section, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.4.2 DIVISION OF INVESTIGATIONS

For the purpose of assigning responsibility for the administrative investigation of personnel complaints, formal complaints shall be broken down into the following two categories:

Class I Allegation - An allegation of misconduct regarding corruption, untruthfulness, brutality, misuse of force, breach of civil rights, discriminatory harassment, and criminal misconduct (to the extent that it constitutes a policy violation). Additionally, the Chief of Police may designate any personnel complaint in this category at his/her discretion. Class I Allegations will be investigated by the Internal Affairs Section.

Class II Allegation - An allegation of misconduct regarding department policies, procedures, orders, rules, regulations or directives other than which constitute a class I allegation, or any violations of City personnel rules including all general regulations issued and approved by the Mayor. Class II Allegations will be investigated by a supervisor of rank greater than the accused member, provided the supervisor is not the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct.

1010.4.3 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

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(d) Anonymous and third-party complaints shall be accepted and investigated to the extent that sufficient information is provided. Anonymous complaints can be difficult to investigate; however, all complaints from anonymous sources shall be reviewed for validation before being disregarded for lack of a credible complainant.

(e) Tort claims and lawsuits may generate a personnel complaint.

1010.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.5.1 COMPLAINT FORMS

The *Pueblo Police Department Internal Affairs Complaint* (PPD FORM #166A Revised 06-17-2011) is the form used by citizens to document complaints against department members. For the purpose of this policy, said form will simply be referred to as "personnel complaint form".

Personnel complaint forms will be maintained in a clearly visible location in the public lobby of the Pueblo Municipal Justice Center and be accessible through the department website. Personnel complaint forms may also be available at other City offices and facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

The Internal Affairs Section shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward any suggestions for improvement or changes to the Chief of Police.

1010.5.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall document the complaint.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary. The following should be considered before taking a complaint:

(a) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.

(b) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

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Complaints regarding the conduct of department employees may also be made directly to the Pueblo Mayor and/or to any member of the Pueblo City Council pursuant to resolution #4075, as amended November 11, 1977. This resolution establishes guidelines for legislative investigation by the City Council of citizen complaints concerning the Pueblo Police Department and its members. Such complaints may be forwarded to the Chief of Police, who may require an investigation by the Internal Affairs Section or by the accused member's captain.

1010.5.3 CHIEF OF POLICE NOTIFICATION

The Chief of Police shall be immediately notified of the following types of personnel complaints:

(a) Personnel complaints involving the arrest of a department member,

(b) Personnel complaints involving potential criminal conduct by a department member, and

(c) Personnel complaints which have the potential of bringing public discredit upon the Department.

The notification shall be made via the chain of command. If any single member of the chain of command is not available, the highest-ranking member of the chain of command receiving notification shall ensure that he/she directly notifies the Chief of Police without delay.

All other personnel complaints may be brought to the attention of the Chief of Police at a later time. This subsection shall not prevent, however, a department member from initiating Chief of Police notification via his/her chain of command when he/she thinks the Chief of Police should be aware of a personnel complaint.

On a weekly basis, the Internal Affairs Section will notify the Chief of Police of all new personnel complaints received by the Department.

1010.6 DOCUMENTATION

All complaints against the Pueblo Police Department or its members shall be documented in each of the following two formats:

(a) All complaints shall be documented in a narrative format, either via the personnel complaint form or via memorandum.

1. Complaints generated by citizens and/or from external sources should generally be documented on the personnel complaint form. Exceptions may be made when the complainant either refuses to complete the personnel complaint form or makes the complaint by some other means (e.g., orally over the telephone, email, social media post, etc.). In such cases, the supervisor receiving the complaint shall document the complaint via memorandum.

2. Complaints generated by department members and/or from internal sources should be documented via memorandum.

(b) All complaints shall be documented in a log maintained by the Internal Affairs Section.

Supervisors receiving complaints shall ensure that personnel complaint forms and memorandums documenting complaints are provided to the Internal Affairs Section. The Internal Affairs Section

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shall maintain a record of all personnel complaint forms and memorandums documenting complaints against the Pueblo Police Department or its members, and shall further protect the confidentiality of such records by maintaining them in a centralized, secure area.

In addition to personnel complaint forms and memorandums documenting complaints, all complaints, regardless of their source, shall also be documented in a log maintained by the Internal Affairs Section that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. The Internal Affairs Section shall be responsible for making the appropriate entries into the log as personnel complaint forms and memorandums documenting complaints are received, including assigning a unique identifying number to each complaint. The confidentiality of the records contained in the log shall be protected by maintaining the log in a secure computer database.

1010.6.1 COMPLETION OF PERSONNEL COMPLAINT FORMS BY CITIZENS/EXTERNAL SOURCES

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party (preferably in a recorded interview room). A refusal by a party to be recorded shall not be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original personnel complaint form.

Complaints of alleged misconduct that are not reported in person shall be documented by a supervisor via memorandum. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. Every effort should be made, however, to have the complainant complete the personnel complaint form him/herself. The supervisor should attempt to have the complainant complete the personnel complaint form online, email the form to the complainant, hand-deliver the form to the complainant or mail the form to the complainant's mailing address.

1010.7 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.7.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint that falls within the Class II Allegation category shall rest with the member's immediate supervisor. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any complaint, the complaint is documented in the appropriate manner.

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(a) The original personnel complaint form or memorandum documenting the complaint will be directed to the accused member's captain, via the chain of command, who will forward a copy of the complaint to the appropriate Bureau Chief, take appropriate action and/or determine who will have responsibility for the investigation.

(b) 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 accused member's captain, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant shall be made within 24 hours of the supervisor receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will document the resolution and forward such to the accused member's captain.

(d) Ensuring that the Chief of Police is notified in accordance with the procedures set forth in this policy.

(e) Promptly contacting the Department of Human Resources and the Chief of Police (via the chain of command) for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(g) Ensuring that the procedural rights of the accused member are followed pursuant to the applicable collective bargaining agreement, state and federal law.

1010.7.2 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Unless otherwise directed by the Chief of Police, investigations of personnel complaints that fall within the Class II Allegation category will be assigned to the employee's supervisor. Personnel complaints that fall within the Class I Allegation category will be assigned to the Internal Affairs Section for investigation. Whether conducted by a supervisor or an assigned member of the Internal Affairs Section, the following procedures shall be followed with regard to the accused employee:

(a) The investigator should not be the ultimate decision-maker regarding disciplinary action or a person who has any personal involvement regarding the alleged misconduct.

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(b) Not less than 48 hours before an investigator begins an interview to obtain facts and statements, the Department should:

1. Provide the name and rank of the individual in charge of the investigation and the individuals who will conduct any interviews.
2. Provide the employee a written summary of the alleged misconduct and/or a copy of the complaint.
3. The employee may, however, waive the 48 hour notice and participate in an interview at his/her discretion.

(c) Interviews of accused employees should be conducted at the Pueblo Municipal Justice Center during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated via overtime payment.

(d) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors when time is of the essence.

(e) An investigator should not interview an employee at that person's home without the employee's prior permission.

(f) All interviews shall be for a reasonable period or duration and the employee's personal needs shall be accommodated.

(g) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(h) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record interviews. All documentation of an interview, including the investigator’s reports and transcription, shall be considered part of the Internal Affairs file and therefore subject to the confidentiality requirements and access restrictions set forth in this policy as well as in the Personnel Files Policy.

(i) An employee subjected to interviews that could result in punitive action shall have the right to have a representative of his/her choosing during any interrogation. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to and with respect to the interview.

(j) All employees shall provide complete and truthful responses to questions posed during administrative interviews. If the employee does not wish to make a voluntary statement, the employee will be advised per Garrity.

(k) The contents of an interview are considered confidential and shall not be publicized.

1010.7.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

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- Internal investigation report with synopsis
- Disciplinary recommendations from employee's chain of command
- Related Incident Reports and Response to Aggression/Resistance Reports
- Employee's disciplinary records
- 48 Hour Notice and employee's statement
- Miscellaneous documents and exhibits

1010.7.4 DISPOSITIONS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department personnel. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.7.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall complete the investigation within 120 days from the date of discovery by an individual authorized to initiate an investigation. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, the Chief of Police may authorize appropriate extensions on a case by case basis.

An employee who is the subject of an investigation should be notified within a reasonable amount of time upon the completion of the investigation.

1010.7.6 COMPLAINANT CONTACTS AND NOTIFICATIONS

Members processing or investigating complaints shall make the following complainant contacts and notifications, at a minimum:

(a) Notification of the handling investigator's name within a reasonable amount of time,

(b) Follow-up contact within 24 hours of the investigator receiving the complaint,

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(c) Periodic contacts or notifications concerning the status of the investigation, and

(d) Notification at the conclusion of the investigation concerning the disposition of the complaint.

Additionally, members investigating complaints shall ensure that interviews with complainants are conducted during reasonable hours.

1010.7.7 INTERDEPARTMENTAL ADMINISTRATIVE INVESTIGATIONS
At times the Internal Affairs Section may be called upon to conduct administrative investigations of personnel in other City departments. The Internal Affairs Section shall only conduct such investigations with the approval of the Mayor. In all such cases, the Internal Affairs Section shall immediately notify the Chief of Police of the investigation.

Administrative investigations of employees in other City departments shall be limited in scope to violations of policies and procedures applicable to the employee under investigation. The conduct of such investigations shall adhere to the applicable policies and procedures outlined in the affected department's rules, regulations, policies and procedures (in whatever form they are documented) and the applicable collective bargaining agreement or other applicable ordinance.

1010.8 ADMINISTRATIVE SEARCHES

..Consistent with the requirements of applicable department policies including the Drug- and Alcohol-Free Workplace Policy and the Fitness for Duty Policy, a department member under investigation may be required to submit to chemical tests to determine the presence of controlled or dangerous substances, and to polygraph examinations, voice stress analysis, psychological evaluations, or interrogations which specifically and narrowly relate to any subject matter under investigation. Refusal to submit to any such test or evaluation after having been ordered to do so by a member of the command staff or personnel assigned to the Internal Affairs Section will subject the member to dismissal from the Department.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

All department facilities, fixtures and equipment are subject to search at any time. Searches of department facilities, fixtures and equipment that are assigned to the exclusive use of an employee (e.g., lockers, desks, vehicles, etc.) may be conducted for reasonable administrative purposes, for maintenance of discipline, or for security reasons. Members of the Department shall have no expectation of privacy with respect to their use of such facilities, fixtures, and equipment.

1010.9 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Chief of Police may temporarily assign the accused employee to administrative leave pending completion of the investigation or the filing of administrative charges. Any employee placed on administrative leave may be subject to the following guidelines:

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(a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a captain to relinquish any badge, department identification, assigned weapons and any other department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as an employee of the Department or in an official capacity.

(d) An employee placed on administrative leave shall be required to continue to comply with all policies and lawful orders of a supervisor.

(e) 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 may be required to remain available for contact at all times during such shift and report as ordered. It shall be the responsibility of the assigning captain to promptly notify the employee's Bureau Chief and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, all badges, identification cards and other equipment should be returned to the employee.

1010.10 CRIMINAL INVESTIGATION

.Where a member of this department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police shall be immediately notified when a member is formally accused of criminal conduct in accordance with the procedures set forth in this policy. In the event of serious criminal allegations, the Chief of Police may request that a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

A member accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the member may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from a member may be provided to a criminal investigator.

The Pueblo Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction.

No disciplinary action shall be taken against the accused member based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

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1010.10.1 WITHDRAWN COMPLAINTS

If the complainant withdraws his/her complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete and assigned an appropriate disposition.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal and assigned an appropriate disposition.

1010.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation in which there is reason to believe that a policy violation has occurred, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.11.1 BUREAU CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Chief of the involved member shall review the entire investigative file, the member's Department file and any other relevant materials. The Bureau Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Bureau Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Bureau Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing Department file need not be provided and may be incorporated by reference.

1010.11.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

.Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Bureau Chief for further investigation or action.

In the event disciplinary action more punitive than a written reprimand is recommended or considered by the Chief of Police, the Chief of Police shall provide the employee with written notice that includes: A scheduled meeting date no less than five (5) calendar days after such delivery of the notice and an opportunity to respond orally or in writing on or before the meeting date. The written notice will be considered to be delivered upon personal delivery to the employee or, if unable to be personally delivered, three (3) days after the statement has been mailed by First-Class mail to the employee.

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1010.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to respond to the Chief of Police after having had an opportunity to review the supporting materials and prior to the imposition of any recommended discipline. The employee shall consider the following:

(a) The meeting is not intended to be adversarial.

(b) Although the employee may be represented by an uninvolved representative and/or legal counsel, the meeting is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information including defenses, explanations or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of the subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to participate in a subsequent meeting to respond to the Chief of Police on the limited issues of information raised in any subsequent materials.

(f) Once the meeting(s) has taken place and/or the scheduled meeting time has passed, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reasons for termination and the process to receive all remaining fringe and retirement benefits.

(g) The discipline shall become effective once the Chief of Police has issued a written decision.

1010.13 CORRECTIVE ACTIONS AND DISCIPLINARY ACTIONS

Corrective actions are less severe than disciplinary actions, and may take the form of questioning, counseling, instruction, training, verbal admonishment, a negative Employee Contact Sheet, a Letter of Warning, etc. Corrective actions carry no punitive weight and are not subject to appeal.

Disciplinary actions are more severe than corrective actions, and may take the form of a Letter of Reprimand, suspension, demotion and termination. Disciplinary actions carry punitive weight and are subject to post-discipline appeal.

In the case of a sustained complaint, the Chief of Police may impose any form of corrective action and/or disciplinary action that he/she deems appropriate. If the Chief of Police deems that either counseling or training is the appropriate form of remediation for a given policy violation, he/she will determine who shall administer the counseling or training and what form it shall take. The results of the counseling or training shall be documented and forwarded to the Chief of Police for review and inclusion in the Department file and the Internal Affairs file.

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Nothing herein shall be construed to limit a supervisor's ability to impose one or more forms of corrective action for a minor policy violation or performance failure.

1010.14 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

The Chief of Police or the authorized designee shall notify the Division of Criminal Justice when an officer resigned while under investigation for violating department policy (CRS § 24-31-903).

1010.15 POST-DISCIPLINE APPEAL RIGHTS

Employees have the right to formally appeal the Chief of Police's imposition of disciplinary actions pursuant to the grievance procedure contained in the applicable collective bargaining agreement or with respect to disciplinary action more punitive than a written reprimand to the Civil Service Commission pursuant to Title VI of the Pueblo Municipal Code of Ordinances.

1010.15.1 WRITTEN REPRIMANDS

A written reprimand constitutes a formal disciplinary action which shall be placed in the employee's Department file and Internal Affairs file. A bargaining unit employee subject to a written reprimand may appeal same pursuant to the grievance procedure contained in the applicable collective bargaining agreement.

1010.15.2 DISCRIMINATORY ACTS PROHIBITED

No employee shall be discharged, demoted, disciplined or denied promotion, or threatened with any such treatment, or otherwise discriminated against when the conditions of employment and the standards of investigative procedures are utilized on his/her behalf. This includes the lawful exercise of the rights granted herein, or the exercise of any rights under any applicable appellate or grievance procedure by the employee.

1010.16 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

The Chief of Police may remove a probationary Police Patrol Officer prior to completion of his or her probationary period without filing formal charges if, in the opinion of the Chief of Police, the probationary employee is not qualified, able or willing to fulfill the requirements of the position. Such a probationary employee shall have the right to appeal the removal to the Civil Service Commission pursuant to and subject to the requirements of Title VI of the Pueblo Municipal Code including Sections 6-10-1 and 6-12-2. The decision and action of the Chief of Police shall in such case be sustained unless the Commission shall find that the Chief of Police abused his or her discretion in terminating said probationary employee.

All other entry-level, bargaining unit, probationary employees may be disciplined or discharged at any time during the full initial probationary period with or without reasons. Such a probationary employee shall have the right to appeal the removal to the Civil Service Commission pursuant to and subject to the foregoing discretionary authority and the requirements of Title VI of the Pueblo

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Municipal Code including Sections 6-10-1 and 6-12-2. The decision and action of the Chief of Police shall in such case be sustained unless the Commission shall find that the Chief of Police abused his or her discretion in terminating said probationary employee.

1010.17 CONFIDENTIALITY OF INVESTIGATIVE FILES

All investigations of personnel complaints shall be considered confidential and protected investigative files. The contents of such files shall not be revealed to anyone other than the involved employee or authorized personnel subject to the provisions governing the Internal Affairs file as set forth in the Personnel Files Policy, or except pursuant to lawful process. Refer to the Personnel Files Policy for further information on confidentiality and disclosure.

In the event that an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal personnel complaint investigation and such false representations are communicated to any media source, the employee has waived confidentiality and the Department may disclose sufficient information from the employee's file to refute such false representations.

All records of internal investigations regarding police conduct and actions which are determined to be sustained, including subsequent disciplinary actions resulting therefrom, if any, shall be retained by the Pueblo Police Department on a permanent basis. All other records of internal investigations, including those resulting in dispositions of not sustained, unfounded or exonerated shall be retained for a minimum of four calendar years plus the current calendar year. Internal investigation records older than five years which are not required to be retained as set forth above shall be destroyed with the following exceptions:

(a) A court order specifically requires the retention of a document, or

(b) A document is part of an ongoing civil or criminal action or is subject to an outstanding subpoena duces tecum.

1010.17.1 SUSTAINED COMPLAINTS

Before being placed in the employee's Department file, the employee will have an opportunity to read and initial the comment or document. If the employee submits a written response, the response will be attached to the comment or document.

The employee will receive a copy of any comment or document placed in the employee's Department file. A copy of the disposition of the allegation of misconduct and a copy of the notice or adjudication of any punitive or remedial action will be the only documents related to the investigation which will be placed in the employee's Department file.

Sustained complaints shall be maintained in the employee's Department file and Internal Affairs file for the prescribed period. Complaints that are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Section apart from the employee's Department file, in a file created for this purpose.

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1010.17.2 REMOVAL OF A COMPLAINT

Files will not be removed from the Internal Affairs Section without the permission of the Special Services Division Captain or the Chief of Police. No copies will be made of any Internal Affairs files except as authorized by the Chief of Police.

If an employee identifies a complaint or allegation that should be removed from his/her Department file because either the records retention period has expired or it is an improper document, the employee will write a memorandum specifically asking for the item(s) to be removed and the reasons for removal.

If an employee has not received a disciplinary action, excluding demotion, suspension or dismissal, for a period of three years, he/she may request that all disciplinary action, excluding demotion, suspension and dismissal, over three years old be removed from his/her file maintained in the Department of Human Resources.

1010.18 CIVIL ACTIONS AGAINST DEPARTMENT MEMBERS

Whenever a department member is served with a civil summons or complaint alleging a claim against the department member arising from actions within the member's scope of employment, he/she shall immediately make two photocopies of the summons or complaint and forward the copies without delay, and in any event no later than fifteen days after the receipt thereof, to the Services Bureau Chief. The department member shall then immediately deliver the original summons or complaint, along with a written notice setting forth the date and time of service upon him/her of such summons or complaint, and any other information concerning the complaint deemed relevant, to the City Law Department.

Any questions concerning civil actions may be directed to the Services Bureau Chief, who will act as a liaison between the involved department member, the City Law Department, and the attorney appointed to represent the interests of the City and the individual employee.

1010.19 NOTIFICATION OF UNTRUTHFUL STATEMENTS

The Chief of Police or the authorized designee should notify POST when an investigation finds that an officer knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact (CRS § 24-31-305):

(a) On an official criminal justice record.

(b) While testifying under oath.

(c) During an internal affairs investigation.

(d) During an administrative investigation.

(e) During the disciplinary process.

Such notifications should be made following the exhaustion of any applicable administrative appeal and on a form prescribed by POST.

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Inspection Policy

1011.1 PURPOSE AND SCOPE

The Chief of Police is completely and irrevocably responsible for the performance of all tasks and for the control of affairs of the Pueblo Police Department. Since the use of delegated authority and the discharge of specific tasks involves the input and action of many groups and persons within the organization, an inspection and review process is vital to ensure consistency of method and direction.

1011.2 LINE INSPECTIONS

Line inspections are conducted by supervisory personnel of all ranks, both civilian and sworn, who have direct line authority over the personnel being inspected. The authority to effect immediate corrective change is exercised during line the inspection process. Line inspections will focus on adherence to personal appearance standards, appearance of uniforms and attire, inspection of equipment (both department-owned and personal property), inventory of Department property and adherence to established policies and procedures. Line inspections will be conducted as follows:

(a) Supervisory personnel are responsible for conducting informal inspections on an ongoing basis, ensuring the personnel under their supervision consistently follow established policies and procedures and present a neat and professional appearance that meets the standards set forth in the Personal Appearance Standards Policy and the Uniform Regulations Policy.

(b) Formal line inspections will be conducted on a quarterly basis (January through March, April through June, July through September and October through December). During formal line inspections, supervisory personnel will inspect the personnel under their supervision for adherence to personal appearance standards, appearance of uniforms and attire, cleanliness and operational readiness of equipment (both department-owned and personal property), and adherence to established policies and procedures. If no deficiencies are discovered in the line inspection process, no further action is required. If deficiencies are identified, however, supervisors shall discuss them individually with the deficient employees, establish appropriate time lines for correction of the deficiencies and document the deficiencies on an Employee Contact Sheet. The Employee Contact Sheet shall be retained by the inspecting supervisor and submitted with the individual employee's annual performance evaluation. In the event that a deficiency is not adequately corrected, the supervisor shall document such in memorandum format and possibly pursue disciplinary action. The format and timing of the line inspection process will be left to the discretion of the individual supervisor/ inspector.

(c) On an annual basis, on dates that correspond with the performance evaluation process, supervisors shall conduct an inventory and inspection of all department-owned property issued to and/or under the care of individual employees, documenting

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such on and Equipment Inventory and Inspection Sheet. Upon completion, the Equipment Inventory and Inspection Sheet shall be submitted to the Office of the Chief of Police via chain of command. The annual inventory and inspection of department-owned property shall focus on the following areas:

1. Age and condition of equipment,
2. Operational state of equipment,
3. Appearance and cleanliness of equipment, and
4. Inventory of equipment.

Supervisory personnel conducting line inspections shall take special care to conduct personal counseling sessions that arise as a result of deficiencies identified in the line inspection process in a private, non-confrontational setting when possible.

Supervisory personnel conducting line inspections shall be responsible for taking reasonable corrective action to repair any deficiencies identified during the inspection process and following-up to ensure that the corrective action taken was sufficient.

1011.3 STAFF INSPECTIONS

Staff inspections of all functional components of the Department will be conducted on a periodic basis as directed by the Chief of Police. The general purpose of the staff inspection function is to ensure that all elements of the Department are functioning efficiently and within the parameters of applicable laws, policies and procedures. Staff inspections include, but are not limited to, the following:

(a) Inspections to ensure the Department fulfills its legally mandated responsibilities.

(b) Inspections to ensure compliance with the law as well as with City and Department policies and procedures.

(c) "Point in time" inspections to observe selected programs or critical field incidents to determine whether progress is being made toward goals and/or goals have been achieved.

(d) Inspections to ensure reporting integrity.

(e) Inspections to ensure that support rendered to line elements by staff or support elements is adequate and productive.

(f) General unit inspections to ensure the integrity of the line inspection process.

(g) Overall service analysis to ensure the quality of police service to the public is maintained at a high level from the time of the reporting citizen's first contact with the Department until the case is adjudicated or no further police action is necessary.

(h) Inspections to assist in the recognition of commendable and deficient performance.

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(i) Reporting recommendations for the improvement of Department operations to the affected management personnel as well as to the Chief of Police.

Results of staff inspections will be forwarded to the Chief of Police. Any deputy chief or captain may request a staff inspection of the functional components for which he/she is responsible, or a staff inspection may be initiated at the direction of the Chief of Police.

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Seat Belts

1012.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (CRS § 42-4-236).

1012.2 POLICY

It is the policy of the Pueblo Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1012.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted seat belts when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or when in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained (CRS § 42-4-236; CRS § 42-4-237).

1012.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1012.5 TRANSPORTING CHILDREN

All children younger than 8 years of age shall be restrained in a child restraint system (CRS § 42-4-236).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-

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side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1012.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1012.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

1012.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the Pueblo Police Department 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.

1013.3 ISSUANCE OF BODY ARMOR

The Services Bureau Chief shall ensure that body armor is issued to all officers when the officer begins service at the Pueblo Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Services Bureau Chief 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.

1013.3.1 USE OF BODY ARMOR

The use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers have the option of wearing body armor in an approved external carrier.

(c) Uniformed officers working in field assignments shall wear body armor.

(d) Officers working in plainclothes assignments shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action (e.g., when conducting operations in the field).

(e) Officers are 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.

(f) Body armor shall be worn when an officer is taking part in range training.

(g) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/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.

(h) All officers engaged in pre-planned, high-risk situations, including the execution of arrest and search warrants, shall wear all protective equipment issued by the agency, including body armor.

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1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and documented line inspections (see Inspection Policy). Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1013.3.3 CARE AND MAINTENANCE OF BODY ARMOR

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.

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 body armor cannot be located, contact the manufacturer to request care instructions.

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.

Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1013.4 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Files

1014.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention and access to personnel files. It is the policy of the Department to maintain the confidentiality of records within personnel files pursuant to state law.

While the Department of Human Resources shall be the custodian of official personnel files, subject to the legal provisions set forth in local, state and federal law, personnel files maintained by the Pueblo Police Department shall generally be considered unofficial, working files used as part of the employer-employee relationship. The official personnel file maintained by the Department of Human Resources, referred to herein as the Human Resources file, shall contain all information maintained in the Department file except for performance evaluations unless same relate to a record of disciplinary action. All items removed from the Human Resources file shall also be removed from the Department file.

1014.1.1 DEFINITIONS

Definitions related to this policy include:

Bureau file - Any file that is separately maintained internally by an employee's supervisor within an assigned bureau for the purpose of completing timely performance evaluations. Bureau files contain any written comment made by a supervisor concerning the conduct of an employee of this department.

Department file - Any file which is maintained in the Office of the Chief of Police or authorized designee as a permanent record of a member's employment with this department.

Human Resources file - The official personnel file maintained by the Department of Human Resources.

Internal Affairs file - The file which contains complaints of employee misconduct, and all materials relating to the investigation into such allegations, regardless of disposition. The Internal Affairs file is not considered a personnel file, as defined in this policy, but an investigative file subject to the confidentiality requirements and access restrictions set forth herein.

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

Personnel file - Any file maintained by the Pueblo Police Department, including a Department, Bureau, Training or Medical file, of an employee containing information about the employee maintained because of the employer-employee relationship.

Training file - The file which documents the training records of an employee.

1014.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Colorado (CRS § 24-72-301 et seq.)

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1014.3 TYPES, LOCATION AND MAINTENANCE OF PERSONNEL FILES

The Department may maintain a personnel file on an employee for use by the Department.

1014.3.1 DEPARTMENT FILE

The Department file should contain 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 shall be permanently maintained and a copy provided to the employee upon request.

(e) Records of all training (photocopies of available certificates, transcripts, diplomas and other documentation) and education.

1. It shall be the responsibility of the involved employee to provide the Training Sergeant and the Office of the Chief of Police with evidence of completed training/education in a timely manner.

(f) Records of disciplinary action.

1. Records shall be maintained in the individual employee's Department file in accordance with the current records retention schedule.

2. Investigations of complaints that result in a finding of not sustained, unfounded or exonerated should not be placed in the employee's Department file, but should be separately maintained for the appropriate retention period in the Internal Affairs file as required by the current records retention schedule.

3. Documents or records related to discipline which have been entirely overturned on appeal shall not be maintained in the employee's Department file, but will be separately maintained for the period required by the current records retention schedule.

(g) Documents reflecting any commendation, congratulation or honor bestowed on an employee by a member of the public or by the Department for an action, duty or activity that relates to official duties. These documents should be retained in the employee's Department file, with a copy provided to the involved employee.

1014.3.2 BUREAU FILE

The Bureau file should contain, but is not limited to:

(a) Supervisor documentation of employee conduct, notices to correct 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

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accordance with the current records retention schedule. Employee Contact Sheets shall be maintained with the corresponding performance evaluation in accordance with the Performance Evaluation Policy.

(b) A record of a supervisory intervention procedure or a policy and procedure inquiry regarding an officer.

1014.3.3 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Internal Affairs Section in conjunction with the Office of the Chief of Police. Access to these files may only be approved by the Chief of Police or a supervisor in/of the Internal Affairs Section. 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 (e.g., YYYY-001, YYYY-002), with an alphabetically arranged index cross-referenced for each involved employee.

(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 no less than four years and as otherwise required by the current records retention schedule.

In addition to investigation materials, all Personnel Early Intervention System documentation and materials shall be maintained in the Internal Affairs file. Refer to the Personnel Complaints Policy for further information on the Internal Affairs file.

1014.3.4 TRAINING FILE

An individual Training file shall be maintained by the Training Sergeant for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's Training file.

1014.3.5 MEDICAL FILE

A confidential Medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history. No medical information shall be kept outside the Medical file. Medical file contents should include, but are not limited to:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers' compensation claims or receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

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(d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.

(e) Any other documents or material that reveal the employee's medical history or medical condition, including past, present or anticipated mental, psychological or physical limitations.

1014.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Records within personnel files may be exempt from disclosure. A request to release, inspect or copy a personnel record shall be forwarded to the City Law Department for review and a decision regarding the action to be taken.

Nothing in this section is intended to preclude review of personnel files by the Director of Human Resources, an employee's supervisor or manager, members of an authorized review board reviewing conduct of the employee, the Mayor, the City Attorney or other attorneys or representatives of the City in connection with official business.

1014.5 REQUESTS FOR DISCLOSURE

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 his/her captain and the custodian of records. Refer to the Records Release and Security Policy for further information.

Upon notice of any such request, the captain shall ensure that the affected employee is notified as soon as practicable that such a request has been made.

The custodian of records shall ensure that an appropriate response to the request is made in a timely manner, in accordance with applicable law. In many cases, this will require assistance of the City Law Department.

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.

1014.5.1 RELEASE OF CONFIDENTIAL INFORMATION

No employee of this department may disclose private or confidential data without the written consent of the affected employee or written authorization of the Chief of Police or the authorized designee, except as provided by this policy, pursuant to lawful process and pursuant to state law 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 (CRS § 24-72-206).

1014.6 EMPLOYEE ACCESS TO HIS/HER OWN FILE

Upon request, an employee may review his/her Department, Bureau, Medical, or Training file, except for letters of reference concerning employment, licensing or issuance of permits regarding the employee (CRS § 24-72-204(3)).

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Upon issuance of a Notice of Disciplinary Action, and upon request of an employee under investigation or his/her counsel, the employee and/or his/her counsel will be allowed to read and review all reports and documents, and to examine any evidence concerning the incident or the investigation thereof. Additionally, members will be allowed upon their request to read any reports or documents directly concerning them which may be on file with the Internal Affairs Section provided that their access to such files would not compromise an active investigation. An employee may be restricted from accessing confidential portions of files that have not been sustained against the employee.

Files will not be removed from the Internal Affairs Section without the permission of the Internal Affairs Captain or the Chief of Police. No copies will be made of any Internal Affairs files except as authorized by the Chief of Police.

1014.7 PURGING OF FILES

Data in personnel files not related to pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the records retention period has expired or it is an improper document, the employee will write a memorandum specifically asking for the item(s) to be removed and the reasons for removal.

If an employee has not received a disciplinary action, excluding demotion, suspension or dismissal, for a period of three years, he/she may request that all disciplinary action, excluding demotion, suspension and dismissal, over three years old be removed from his/her file maintained in the Department of Human Resources.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This policy provides general guidelines for commending exceptional employee performance or meritorious acts by citizens.

1015.2 POLICY

It is the policy of the Pueblo Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by a supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person responsible for the supervision of the individual being commended. Additionally, any employee may recommend a commendation to the supervisor of another employee.

A written commendation may also be made by a member of the public regarding any department employee. The receiving employee's supervisor shall handle such written commendations in accordance with the provisions set forth in this policy.

Written recommendations for a citizen's meritorious acts may be made by any member of this department or any member of the public. Such recommendations should be forwarded to the Services Bureau Chief for consideration by the Awards Committee.

1015.4 MERITORIOUS OR COMMENDABLE ACTIONS

1015.4.1 MERITORIOUS OR COMMENDABLE ACTS BY EMPLOYEES

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

(a) Superior handling of a difficult situation

(b) Conspicuous bravery or outstanding performance

(c) Any action or performance that is above and beyond the typical duties of an employee

1015.4.2 LETTER OF COMMENDATION

The Letter of Commendation shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau and assignment at the date and time of the commendation

(b) A brief account of the commendable action with report numbers, as appropriate

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(c) Signature of the commending supervisor

The original Letter of Commendation will be provided to the receiving employee. A photocopy of the completed Letter of Commendation will be forwarded to the administrative secretary in the Office of the Chief of Police for entry into the employee's Department file. The administrative secretary shall also maintain a separate file for all Letters of Commendation to be forwarded to the Awards Committee on a quarterly basis.

1015.4.3 MERITORIOUS ACTS BY CITIZENS DOCUMENTATION

Meritorious acts performed by citizens and documented by members of this department should be documented on a Letter of Commendation under the same process for employees, with inapplicable information excluded (i.e., bureau and assignment).

Any documentation in any form from the public identifying meritorious conduct of a citizen should be accepted by any employee and forwarded to the receiving employee's captain. Attempts to obtain detailed information regarding the matter and the person performing the meritorious act and the person submitting the document should be attempted by the employee, with additional details documented as appropriate.

1015.5 MERITORIOUS SERVICE AWARDS

Meritorious Service Awards may be bestowed upon employees and members of the public for actions that are worthy of recognition beyond a Letter of Commendation. These awards include:

- **Police Medal of Honor** - The highest award of the Department. To be awarded to any officer who voluntarily distinguishes himself/herself by gallantry and extraordinary heroism. The act must be beyond normal demands and of such nature that the recipient was fully aware of the imminent threat to his/her personal safety, and acted above and beyond the call of duty at the risk of his/her life.
- **Purple Heart** - To be awarded to any officer who, while in the performance of his/her duties, sustains serious bodily injury as defined by Colorado statute, as a result of another person's actions. The actions of the officer must be within department policy and procedure and/or in keeping with the department functions, mission, values and guiding principles.
- **Police Medal of Valor** - To be awarded to any officer demonstrating extraordinary courage and heroism through voluntary actions in extremely dangerous situations while at imminent risk of serious bodily injury, but not justifying the Police Medal of Honor.
- **Distinguished Service Award** - To be awarded to any officer who, in the performance of normal duties, is faced with a greater than normal risk of serious bodily injury and who displays courage in carrying out the necessary action to handle the situation. The situation must have been handled in a manner consistent with policies and procedures, and which reflects favorably on the Department.
- **Life Saving Award** - To be awarded to any employee for taking appropriate action to save the life of a fellow human being, thus saving a human life.

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- **Department Commendation** - To be awarded to any employee for an outstanding act or achievement which brings credit to the Department, and which involves performance above and beyond that required by the employee's basic assignment.
- **Citizens Award of Appreciation** - To be awarded to any citizen who provided outstanding assistance to the Department in preventing crime or apprehending criminals, or who rendered an outstanding service to the Department which would be worthy of recognition, or who performed an outstanding heroic act, at considerable personal danger to himself/herself, which culminated in the saving of a human life or the apprehension of a dangerous criminal. This award will be in the form of a certificate.
- **Chief's Award of Merit** - In addition to the above, the Chief of Police may, at his option, bestow the Chief's Award of Merit upon any employee he/she deems deserving of recognition for any outstanding act or performance not meeting the criteria set forth in the other categories, but worthy of acknowledgment.

Any member of the Department who witnesses or becomes aware of an action on the part of another employee or member of the community that he/she feels is worthy of recognition beyond a Letter of Commendation is encouraged submit a nomination on behalf of that employee or member of the community to the Awards Committee via the Services Bureau Chief for consideration of their receipt of a Meritorious Service Award. Each nomination should cite the category of award for which the nomination is made, and include a detailed description of the act or achievement which justifies consideration for bestowing the award.

1015.6 AWARDS COMMITTEE

The Awards Committee shall be established for the purpose of identifying recipients of Meritorious Service Awards. The Committee will meet on a quarterly basis and review all written commendations collected by the administrative secretary in the Office of the Chief of Police and nominations for Meritorious Service Awards received by the Services Bureau Chief. The Committee will be headed by the Services Bureau Chief and should be representative of the Department (sworn and civilian, uniformed and non-uniformed). The Committee will review all written commendations and nominations, assess their applicability to the various Meritorious Service Awards, and select the recipients of the awards. Recipients of the Chief's Award of Merit, however, shall be solely selected by the Chief of Police at his/her discretion.

1015.7 ANNUAL AWARDS

Recipients of Meritorious Service Awards will be recognized on an annual basis. Recognition will be based on actions or performance that occurred during the previous calendar year.

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Fitness for Duty

1016.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1016.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional and/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 and/or belief shall be promptly reported to a supervisor.

1016.3 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 captain, 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, via chain of command, in the event that any employee needs to be relieved from duty.

1016.4 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 time off in order to obtain medical treatment or other reasonable rest period.

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1016.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with departmental and general regulations for processing such claims.

Upon the recommendation of the applicable Bureau Chief and with the concurrence of the Chief of Police, any employee whose actions or use of force in an official capacity result in death or serious injury to another 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 policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

The Chief of Police or the authorized designee should develop procedures for ongoing support and services for department members (CRS 16-2.5-403).

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department 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.

(c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.

(d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.

(e) 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 deemed insubordination and may subject the employee to discipline, up to and including termination.

(f) 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.

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(g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1016.7 DISCHARGE

If after exhaustion of all available leave, including injury, vacation, sick leave, and where applicable special leave, an employee shall fail or be unable to return to work, he or she shall be discharged. If injured through no cause of his or her own, the employee, when able to return to work, shall be placed upon the reinstatement list.

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Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees.

1017.1.1 MEAL PERIODS

During each workday, when conditions reasonably permit, each certified officer shall be entitled to a 30 minute meal period. Officers assigned to the Operations Bureau shall request clearance from the Communications Center prior to taking a meal period. Upon receiving clearance, officers shall provide the Communications Center with the location of their meal period. Officers on meal period shall be allowed to remain out of service and out of their assigned area of responsibility unless the needs of the Department require their immediate return to police duties. To ensure responsiveness, officers shall monitor their radios while on meal periods.

All General Service employees, except emergency services dispatchers (dispatchers herein), shall be provided an unpaid meal period at or near the middle of the work shift. Dispatchers shall be provided a meal period at or near the middle of the work shift when conditions reasonably permit. During such time as the dispatcher is on meal period, he/she will be fully responsible for the performance of his/her assigned duties unless other qualified and assigned dispatchers are present and able to perform such duties.

Certified officers and dispatchers shall remain on-duty subject to call during meal periods. All other employees are not on-call during meal periods unless directed otherwise by a supervisor. The time spent for the meal period shall not exceed the authorized time allowed.

1017.1.2 15-MINUTE BREAKS

All General Service employees, except dispatchers, are entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the Pueblo Municipal Justice Center shall remain in the facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

1017.1.3 NUMBER OF OFFICERS AT DINING ESTABLISHMENTS

For the purposes of breaks or meals, there shall be allowed no more than two marked police vehicles and/or uniformed officers, excluding supervisory personnel, at any given dining establishment.

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Lactation Break Policy

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1018.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor and Standards Act, the Colorado Workplace Accommodations for Nursing Mothers Act and City of Pueblo General Regulation #11 Nursing Mothers, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to two years after a child's birth (29 USC § 207, CRS § 8-13.5-101 and CRS § 8-13.5-104(1)).

1018.3 LACTATION BREAK TIME

Employees wishing to express breast milk for their nursing child shall be permitted to do so during any authorized break. A break period should be permitted each time the employee has the need to express breast milk (29 USC § 207). Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled break or meal periods. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period are reasonable.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be considered unpaid.

A reasonable period for such break should be consistent with existing law regulating work breaks under the FLSA, which are generally 5 to 20 minutes in duration (29 CFR § 785.18).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its original state after each use.

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Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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Military Deployment and Reintegration

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the responsibilities of the Pueblo Police Department in assisting department personnel who are activated for military service.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Employer Support of the Guard and Reserve (ESGR) - A United States Department of Defense office established in 1972 to promote cooperation and understanding between Reserve Component Service members and their civilian employers and to assist in the resolution of conflicts arising from an employee's military commitment. Information on the ESGR can be found at http://esgr.mil/About-ESGR/Who-is-ESGR/What-is-ESGR.aspx.

ESGR Ombudsman Services Program - A program that provides information and mediation on issues related to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The ESGR Customer Service Center is available to answer USERRA questions. Specially trained ombudsmen are available to assist members of the Guard and Reserve in resolving disputes with their civilian employers related to military service in the uniformed services through neutral and impartial mediation. ESGR ombudsmen are volunteers located throughout the United States and United States territories.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) - A federal law that establishes rights and responsibilities for uniformed service members and their civilian employers. USERRA is intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other uniformed services: (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service. The law is intended to encourage uniformed service so that the United States can enjoy the protection of those services, staffed by qualified people, while maintaining a balance with the needs of private and public employers who also depend on these same individuals (Title 38, Chapter 43 USC).

1019.2 POLICY

The City of Pueblo and the Pueblo Police Department support our citizen soldier employees and will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Employees shall follow the directives outlined in the City of Pueblo Employee Handbook of General Regulations regarding military leave of absence.

1019.3 PROCEDURE

Guidance for complying with USERRA is outlined in the City of Pueblo Employee Handbook of General Regulations. The City of Pueblo Employee Handbook of General Regulations covers general compliance, compensation and benefits, and return to City employment after specified

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military service times as outlined in USERRA. The Pueblo Police Department will perform the additional actions for personnel with military activations exceeding 90 days as outlined in this policy. This policy or portions of the policy may be put into effect for those employees who are deployed for less than 90 days when requested or deemed necessary by the employee or the Department.

To ensure compliance with USERRA, any supervisor who plans to take administrative disciplinary action against an employee that resulted from some aspect of the employee's United States military service, whether active duty, National Guard, or Reserves, will consult with the Human Resources Department prior to initiating such action. The supervisor may also contact an ESGR ombudsman for clarification of USERRA compliance.

1019.3.1 DEPARTMENT POINT OF CONTACT

The Deputy Chief of the bureau to which the employee is assigned will identify and assign a department point of contact to assist the employee with all portions of this policy, applicable portions of the City of Pueblo Employee Handbook of General Regulations, and the Department's and City's out-processing and in-processing procedures. The department point of contact, if not the employee's direct supervisor, will keep that supervisor informed of the employee's status.

1019.3.2 HUMAN RESOURCES POINT OF CONTACT

The Human Resource Department's Employee Benefits/Loss Control Manager is the designated human resources point of contact. The department point of contact and/or the employee may seek assistance from the human resources point of contact with respect to pay, benefits, and complying with applicable written directives and laws.

1019.3.3 LEAVE FROM DEPARTMENT – OUT-PROCESSING

The department point of contact and the employee will coordinate with the human resources point of contact to ensure compliance with the City of Pueblo Employee Handbook of General Regulations, USERRA, the applicable collective bargaining agreement and this policy for out-processing, to include pay, benefits, and establishing lines of communication between all parties. The department point of contact shall also ensure that an exit interview between the employee and the Chief of Police or his/her designee is arranged and conducted.

1019.3.4 STORAGE OF DEPARTMENT-OWNED EQUIPMENT

The department point of contact will work with the affected employee to ensure the proper, safe and secure storage of department-owned equipment while the employee is deployed. Department-owned equipment will be stored as follows:

(a) For deployments not anticipated to exceed 90 days, employees may retain possession of non-firearm equipment owned by the Department, provided that the equipment is properly, safely and securely stored in the employee's home.

(b) For deployments anticipated to exceed 90 days, all department-owned equipment must be stored at a Pueblo Police Department facility.

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(c) Any piece of equipment that cannot be properly, safely and securely stored in the employee's home must be stored at a Pueblo Police Department facility.

(d) Agency-owned firearms must be stored at a Pueblo Police Department facility regardless of the length of the employee's deployment.

1019.3.5 REINTEGRATION – IN-PROCESSING

The department point of contact and the employee will coordinate with the human resources point of contact to ensure compliance with the City of Pueblo Employee Handbook of General Regulations, USERRA, the applicable collective bargaining agreement and this policy for in-processing, to include pay, benefits and establishing lines of communication between all parties. The department point of contact shall also ensure that a reentry interview between the employee and the Chief of Police or his/her designee is arranged and conducted.

The department point of contact will ensure that the returning employee meets with his/her supervisor to determine a reintegration plan. The plan will be defined and implemented by the supervisor, the employee, and other identified members of the Department, such as training personnel. The reintegration plan should include a review of the City of Pueblo's Employee Assistance Program.

1019.3.6 TRAINING UPON RETURN

The Department will provide training to include proficiency and qualification for all applicable control devices, techniques, weapons and firearms. Additional training will cover any policies, procedures, systems or processes that were modified or implemented during the employee's absence. A period of field training (re-acclimation), such as driving a police car, using a radio and citizen contacts, may be provided based on assignment and the amount of time that the employee was deployed.

1019.3.7 COMMUNICATION WHILE DEPLOYED

The department point of contact will act as the formal line of communication between the Department and the deployed employee. The department point of contact will provide agency news, significant events and advisement of promotions or promotion opportunities. This communication is dependent on the deployed employee's ability to communicate with the Department during the deployment. The method of communication (e.g., telephone, electronic mail, mail, etc.) will depend on the method(s) available to the deployed employee. The Department will also offer to include the deployed employee's family in department functions and provide assistance to the family during the deployment when possible.

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Overtime Payment Requests

1020.1 PURPOSE AND SCOPE

It shall be the policy of the Pueblo Police Department to comply with the provisions of any applicable collective bargaining agreements in force regarding assignment and payment for authorized overtime. Authorized overtime compensation shall be paid at the agreed upon rate upon administrative processing of the employee's written and properly approved request for same.

1020.1.1 DEPARTMENT POLICY

Nonexempt employees are not authorized to volunteer work time to the Department. All requests to work overtime must be approved in advance by a supervisor.

1020.2 REQUEST FOR OVERTIME PAYMENT FORMS

Requests for overtime compensation shall be made by properly executing a "Request for Overtime" slip (PPD Form 206). All forms shall be filled out in their entirety. Said forms must be approved as required, and submitted through the employee's chain of command as provided in this policy. Overtime requested for court shall reflect actual time spent in court starting at the time the employee is actually needed in court, which may be the time indicated on the subpoena or, in the event that a subpoena was not issued, the time the court was called to order or the employee was required to appear. Preparation for court immediately prior to court is considered "Time Spent in Judicial Proceedings". If this time amounts to 15 minutes or less, it shall not be necessary to list it separately as preparation for court. Both the preparation time and the actual time spent in court are included in the two-hour minimum overtime for court under the police contract. Overtime for preparation for court shall reflect such activities as conferences with prosecutors, review of reports, preparation of evidence for court presentation, etc. All such activity in excess of 15 minutes shall require approval in advance from a commanding officer of the rank of captain or higher, or a supervisory officer acting in that capacity.

1020.2.1 EMPLOYEE RESPONSIBILITY

Employees shall submit requests for overtime payment compensation to their captain no later than 72 hours after working the overtime.

1020.2.2 CAPTAIN RESPONSIBILITIES

The captain shall verify that the overtime was worked before approving any request. After the captain has approved the request for overtime payment, the request will be forwarded to the employee's deputy chief for final approval.

1020.2.3 DEPUTY CHIEF RESPONSIBILITIES

Deputy chiefs, after approving payment, will then forward the request to the Office of the Chief of Police.

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1020.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime assignment, and this is required for all overtime assignments including assignments in which the employee may receive a required minimum amount of overtime such as call-back and court time.

1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON REQUEST
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1020.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the authorizing captain may require each employee to include the reason for the variation on the back of the overtime payment request form.

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Outside Employment

1021.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department members engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Outside employment means and includes any secondary work for another employer including self-employment or employment as an independent contractor. Outside employment does not include police activities performed pursuant to a contract entered into between the City and another entity pursuant to which the employee is authorized to use their department uniform and badge.

1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police; provided, however, employees shall have 30 days from the effective date of this policy to submit an application and obtain approval of the Chief of Police with respect to any non-prohibited outside employment engaged in on or before the effective date of this policy. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration. The application, titled "Pueblo Police Department Outside Employment Application," will be maintained on the Pueblo Police Department Intranet site.

The employee will be provided with a copy of the application indicating either approval or disapproval by the Chief of Police. Unless otherwise indicated in writing on the application, an approved application will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application by December 15th requesting approval for the following year.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application.

1021.2.1 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation or

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suspension may be stayed by the Chief of Police pending any grievance or through any step in the grievance process.

The outside employment 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. If the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency, the revocation may be withdrawn.

(b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

All outside employment wherein the actual or potential use of law enforcement powers by the employee is anticipated is prohibited.

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any employment that:

(a) Would in any way impair the effectiveness of the employee in performing assigned departmental duties.

(b) Involves time demands that would render performance of the employee's duties for this department below minimum standards.

(c) Involves the employee's use of department time, facilities, equipment or supplies, the use of the department badge, uniform, prestige or influence for private gain or advantage.

(d) May require, as a criteria for employment, that the employee have access to police information files or records, or which may require disclosure of police records or other police information as a condition of employment.

(e) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department 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 a member of this department.

(f) Assists, in any manner, case preparation for the defense in any criminal action or proceeding.

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(g) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(h) May forseeably place the City employee in a position adverse to his or her obligations and responsibilities as a City employee or which may create an appearance of a conflict of interest. By way of example, and not in limitation of the foregoing, a City employee assigned to perform regulatory functions affecting a class of businesses may not engage in outside employment with one of the regulated businesses.

(i) Involves employment for a person, partnership, association, corporation, limited liability company or other business, a substantial function of which is the sale or distribution of beer, wine or spirituous liquor or fermented malt beverages for consumption upon the premises; provided, however, that nothing in this paragraph is intended to prohibit off-duty employees from occasional employment as security personnel at duly licensed special events conducted by non-profit organizations.

1021.3.1 SPECIAL RESTRICTIONS

Except upon approval of an application for outside employment by the Chief of Police, undercover officers or officers assigned to covert operations will not be eligible to work outside employment that might reasonably disclose the officer's law enforcement status.

1021.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment including their department uniform and badge or other department resources in the course of or for the benefit of any outside employment unless approved by the Chief of Police or his/her designee. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1021.4.1 REVIEW OF FINANCIAL RECORDS

Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in revocation of the outside employment application. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal

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or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on sick leave, injury leave, administrative leave or light-duty shall inform their captain in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The captain shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the approved application be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the captain of his/her intentions regarding the employment application, a notice of intent to revoke the employee's application will be forwarded to the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment application while on such leave or light duty status includes, but is not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisers.

(b) The outside 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/her intentions to his/her captain.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

1021.7 SICK/INJURY LEAVE BENEFITS

Employees engaging in outside employment are prohibited from receiving payment for sick or injury leave benefits from the City if the employee is injured while in the employ of an employer other than the City of Pueblo.

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Extra Duty

1022.1 PURPOSE AND SCOPE

The Pueblo Police Department is committed to furnishing police services to the community in as efficient a manner as possible. When agencies, businesses or other organizations require additional police services that do not conflict with the mission of the Department, those services are available, by contract, through the Office of the Chief of Police. Maintaining a strong and effective extra duty program benefits the community, the Department and officers by keeping auxiliary police services under the firm control of the Department and making the full range of police services available when they are needed. The Pueblo Police Department reserves the right to deny services to any business or organization, or at any location.

1022.1.1 DISCUSSION

The Extra Duty Program was formed to provide additional law enforcement services requested by private businesses and public agencies, while eliminating potential conflicts of interest for officers and for the Department. Participation in the Extra Duty Program is voluntary. Officers volunteer to work, and direct solicitations for business are not allowed. The extra services are paid for by the contracting business, and, generally, represent some special law enforcement need that cannot be met through routine police service delivery. The Extra Duty Program is managed by the Extra Duty Coordinator. The Extra Duty Coordinator is the Operations Bureau Chief, or his/her designee, normally the Watch I Watch Commander.

1022.1.2 DEFINITIONS

Definitions related to this policy include:

Extra duty - Police services delivered to an outside agency, business or other organization within this jurisdiction on behalf of the Department by off-duty, sworn officers of this department, by contract, for payment, and arranged through the Department's Extra Duty Coordinator.

1022.2 OFFICER RESPONSIBILITIES

The primary duty of officers working extra duty assignments shall be to protect life and property, keep the peace, and enforce City ordinances and state and federal laws. Officers shall render all possible assistance, within the framework of the law, to assist business or agency officials in maintaining order.

1022.2.1 OFFICERS SUBJECT TO POLICIES AND PROCEDURES

Officers shall be subject to the policies and procedures of the Pueblo Police Department while working in extra duty assignments, including all of the standard documentation and reporting requirements subject to on-duty officers (e.g., arrests, case reports, applications of force, complaints, injuries sustained, damage to department equipment, etc.).

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1022.2.2 RESPONSIBILITY TO REPORT
After an officer has signed up for a detail, it shall be the officer's responsibility to be at the proper location at the assigned time.

1022.2.3 RESPONSIBILITY TO OBTAIN REPLACEMENT
If an officer who has accepted an extra duty assignment is unable to work the assignment, whatever the reason may be, it will be that officer's responsibility to obtain another officer to fill the assignment and to notify the Extra Duty Coordinator.

1022.2.4 UNIFORM AND VEHICLE REQUIREMENTS
All officers working an extra duty assignment shall do so in uniform. Exceptions to the uniform requirement may be made by the Chief of Police, or his/her designee, based on the requirements of the assignment.

The Extra Duty Coordinator will determine which assignments require the use of a vehicle. All officers working such extra duty assignments shall use a marked police vehicle designated for use in an extra duty capacity, or a marked police vehicle from the Operations Bureau fleet.

1022.2.5 CASE REPORTS
Officers working extra duty assignments will initiate a case report whenever an incident requires the taking of a police report and it is directly related to the extra duty assignment. The Communications Center will assign on-duty officers to assist the extra duty officer when it becomes necessary to process evidence, book prisoners, conduct follow-up investigation, or engage in any police activity that would require leaving the extra duty job site. The extra duty officer will remain on site, unless otherwise ordered.

1022.2.6 IN-PROGRESS CALLS FOR SERVICE
Officers working extra duty assignments may be diverted from their assignments to respond to in-progress incidents only in life threatening situations and only when there are no on-duty units immediately available. The decision to divert extra duty officers will be at the discretion of the Communications Center.

If extra duty officers are diverted from their assignments to respond to in-progress incidents, the Communications Center will send the first available on-duty unit to the scene to take over the call. The extra duty officer will immediately return to his/her extra duty assignment.

1022.2.7 DISCIPLINARY ACTION
Any deficiencies in performance that come to the attention of the Extra Duty Coordinator, including violations of policies and procedures, failure to appear for assignments, failure to obtain replacements, etc., shall subject the offending officer to official discipline in accordance with the Standards of Conduct Policy.

1022.3 VENDOR RESPONSIBILITIES
Enforcement of regulations that are made by the business or agency, with whom the extra duty assignment is made, shall be the responsibility of that business or agency. However, when the

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conduct of any person threatens a breach of the peace, or similar violation of the law, the officer may intervene to end the violation and, if necessary, make arrests. In any action of this type, officials of the business or agency will be asked to support the officer by bearing witness and/or signing complaints.

1022.3.1 BASIC FEE

A basic per-hour fee will be established by the Mayor. The Mayor will convey his/her direction for the basic per-hour fee to the Finance Director, who will convey that information to the Police Department Payroll Technician.

1022.3.2 MONEY COLLECTED

All money collected and vouchers for payment shall be processed through the City of Pueblo. Under no circumstances will any officer accept any form of payment, or reimbursement, except through regular channels.

1022.3.3 MINIMUM TIME

A minimum of two hours shall be charged to all details. Additional time shall be measured by the quarter hour. Less than 7.5 minutes shall not be charged; likewise, 7.5 minutes and above will be counted as a full quarter hour.

1022.4 OFFICER SELECTION PROCESS

All extra duty assignments shall be made from the Extra Duty Database by the Extra Duty Coordinator, or his/her designee. The Extra Duty Database automatically arranges officers by their acceptance, denial or inability (conflict) to work individual extra duty assignments. Officers who are eligible to work extra duty assignments and who desire the opportunity to work such assignments shall notify the Extra Duty Coordinator to be added to the Extra Duty Database.

The Extra Duty Coordinator shall have the discretion to make fair and reasonable limitations upon the distribution and number of hours worked by any officer, if there is reasonable cause to believe that the Department might be detrimentally affected otherwise. In such instances, the officer being limited on hours shall be marked as a "shift conflict" in the Extra Duty Database so that they maintain their position in the rotation. An officer who objects to the Extra Duty Coordinator's decision should discuss the matter first with the Extra Duty Coordinator and, if still unsatisfied, with successive members of the Extra Duty Coordinator's chain of command. Final authority shall rest with the Chief of Police.

This section is intended to compliment and coincide with the International Brotherhood of Police Officers Local 537, 2016 Collective Bargaining Agreement, specifically Article 17.5 – 17.8, inclusive, under the Article Title of “Overtime Compensation.” For purposes of this policy, Article 17.5 (A) and (B) are both considered to be “Extra Duty.”

1022.4.1 ELIGIBILITY

Officers who have successfully completed their entry level probationary period are eligible for extra duty assignments.

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Extra Duty

Officers who are placed on disability leave, administrative leave, suspension, sick leave, limited duty or light duty will not be eligible for extra duty assignments. When normal on-duty activities are resumed by the officer, normal extra duty employment may also be resumed.

Except for emergency situations or with prior authorization from the Chief of Police, undercover officers or officers assigned to covert operations shall not be eligible to work extra duty assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

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Extra Duty

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Occupational Disease and Work-Related Injury and Death Reporting

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases and work-related injuries and deaths.

1023.1.1 DEFINITIONS

Definitions related to this policy include (CRS § 8-40-201):

Accident - Any unforeseen event occurring without the will or design of the member whose mere act caused it. An accident or injury includes disability or death resulting from accident or occupational disease.

Occupational disease - Any disease resulting directly from employment or work conditions that 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 member would have been equally exposed outside of his/her employment.

1023.2 POLICY

The Pueblo Police Department will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (CRS § 8-43-101 et seq.). All occupational diseases and work-related injuries requiring medical care must be documented as set forth in this policy. Records of occupational diseases and work-related injuries shall be maintained as prescribed by Colorado law as well as City of Pueblo General Regulation #14, Workers' Compensation.

1023.3 RESPONSIBILITIES

1023.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event in writing as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate. The form to be used by members to document occupational diseases and work-related injuries shall be the City of Pueblo Employee Written Notice of Accident, which will be maintained on the Pueblo Police Department Intranet site.

A member who has suffered an occupational disease or work-related injury shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the disease or injury and the extent and duration of any work restrictions, if they are known. In addition, such members are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

When appropriate, a member being treated for an occupational disease or work-related injury should inform the attending physician that a temporary modified-duty assignment may be available

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at the Department. Temporary modified duty may be available for members whose occupational diseases or work-related injuries prevent resumption of regular duties.

A member sustaining an occupational disease or work-related injury that requires relief from duty is required to comply with department policies and directives relating to the duty to periodically call in during absences, in addition to the duty to notify the Department of any change in condition or anticipated duration of the absence.

A member must file a Workers' Claim for Compensation with the Colorado Division of Workers' Compensation within two years.

A member observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

1023.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

The supervisor shall ensure that the occupational disease or work-related injury is properly investigated and documented. The supervisor shall be responsible for ensuring that all required documents, forms and reports are completed and submitted to his/her Bureau Chief via chain of command, as soon as practicable. When an occupational disease or work-related injury occurs, the following documents are required:

- City of Pueblo Accident Investigation Report (to be completed by the investigating supervisor)
- Designated Provider List for City of Pueblo (to be completed by the investigating supervisor, a copy of which to be provided to the affected member)
- City of Pueblo Written Notice of Accident (to be completed by the affected member)
- Casualty Report (to be completed by an uninvolved department member at the investigating supervisor's direction)
- Centers for Medicare and Medicaid Services (CMS) Form

If a member is physically or mentally unable to provide notice of a work-related injury, his/her supervisor shall report such injury in writing as soon as practicable (CRS § 8-43-102). The City of Pueblo Employee Written Notice of Accident shall be completed as soon as practicable, and always within four days of the occurrence of the injury (CRS § 8-43-102).

All occupational diseases and work-related injuries are to be reported, regardless of the level of severity. The completed packet of documents, forms and reports shall be forwarded to the supervisor's Bureau Chief through the chain of command.

Every injured member must be provided with a Designated Provider List for City of Pueblo, regardless of the nature of illness or injury.

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1023.3.3 BUREAU CHIEF RESPONSIBILITIES

The Bureau Chief who receives a report of an occupational disease or work-related injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

1023.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the City of Pueblo Accident Investigation Report, City of Pueblo Employee Written Notice of Accident, Designated Provider List for City of Pueblo, casualty report and other related medical documents to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the member's Medical file and not in the member's Department file (see Personnel Files Policy).

The Chief of Police or the authorized designee shall ensure that a printed card notifying employees of their responsibility to report a workplace injury is displayed at all times in a prominent place in the workplace pursuant to CRS § 8-43-102.

1023.4 AUTHORIZED MEDICAL PROVIDERS

The following are authorized medical providers for occupational diseases and work-related injuries:

- Concentra Urgent Care / 4117 N. Elizabeth Street, Pueblo, Colorado 81008 / (719) 545-0788
- CCOM / 4112 Outlook Boulevard, Suite 255, Pueblo, Colorado 81008 / (719) 562-6300
- Southern Colorado Clinic / 3676 Parker Boulevard, Pueblo, Colorado 81008 / (719) 553-2207

Members sustaining occupational diseases and work-related injuries, which are not life or limb threatening, shall report to one of the aforementioned medical providers during the established business hours. In emergency situations, or when outside of the listed business hours, members should seek treatment at an emergency room.

If it is necessary for the member to use hospital services as a result of any occupational disease or work-related injury, the Department of Human Resources must be informed whenever possible before the member receives such services unless such member is incapacitated or otherwise physically unable to provide the notice. Additionally, to avoid rejection of the payment for such services, it is recommended that members seeking treatment from agencies other than those provided on the Designated Provider List, contact the City's workers' compensation third party administrator at the contact number below to report the need for service, in advance of treatment when possible.

- Patty Richardson or Tasha Svendsen / CorVel Corporation / (800) 929-6090 or (720) 250-0700

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1023.5 PERSONAL PHYSICIANS

If the injured member is not satisfied with the physicians at the authorized medical providers, he/she shall make a verbal request, via telephone, to Patty Richardson or Tasha Svendsen of CorVel Corporation or to the Director of the Department of Human Resources to have his/her own physician provide the treatment. If the injured member is not satisfied with the results of the telephone call(s) to CorVel Corporation or the Department of Human Resources, or if written documentation is needed for purposes of maintaining records, he/she shall submit a written request to Patty Richardson or Tasha Svendsen at CorVel Corporation with a copy of the written request forwarded to the Department of Human Resources. Fifteen days should be allowed for a reply, keeping in mind that, although every consideration will be given to each individual request, such permission is subject to approval or denial.

- Patty Richardson or Tasha Svendsen / CorVel Corporation / 6455 S Yosemite Street, Suite 700, Greenwood Village, Colorado 80111 / (800) 929-6090 or (720) 250-0700 / patty_richardson@corvel.com or tasha_svendsen@corvel.com
- Marisa Pacheco (Director) / Department of Human Resources / Post Office Box 1427, Pueblo, Colorado 81002 / (719) 553-2633 / mpacheco@pueblo.us

1023.6 SPECIALIST CARE

Members sustaining an oral or eye injury shall report to one of the authorized medical providers specified in this policy during the established business hours. The authorized medical provider will make a referral to a specialist. Dentists and ophthalmologists who receive workers' compensation referrals know how to treat these specific types of injuries, and know the requirements of the workers' compensation system.

In emergency situations, or when outside of the listed business hours, members should seek treatment at an emergency room.

1023.7 DOCUMENTATION OF MEDICAL TREATMENT

When an injured member receives medical treatment, he/she shall provide the Services Bureau with documentation completed and signed by the treating physician. A member returning to duty from injury leave status shall provide his/her captain with said documentation on or before his/her first day back to work, regardless of the number of days the member was off work due to injury or illness. In cases in which the severity of the injury or illness prohibits the member from complying with this directive, the member shall, when physically capable, provide the Department with the required documentation.

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Personal Appearance Standards

1024.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1024.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1024.2.1 HAIR

For male employees, head hair may be permitted to grow naturally, but shall be clean, groomed, and neatly trimmed so as not to present a ragged, bushy, unkempt, or eccentric appearance. The hair shall not exceed the top edge of the shirt collar in back. The hair may be worn full to the extent that the ears may be partially covered, however, at least the bottom half of the ear must be exposed. In no case shall the hair on the sides or back of the head interfere with uniform headgear. In no case shall the top of the hair be higher than two inches above the top of the head, nor shall hair covering the forehead be worn in such a way as to interfere with vision or the wearing of uniform headgear.

For non-uniformed and civilian female employees, head hair may be permitted to grow naturally, but shall be clean, groomed, and neatly trimmed so as not to present a ragged, bushy, unkempt or eccentric appearance.

For uniformed female officers with shoulder length or longer head hair, the hair shall be pulled back and placed in a ponytail, bun, or braid above the top of the uniform shirt collar. Uniformed female officers with head hair less than shoulder length may grow the hair naturally, but the hair shall be clean, groomed, and neatly trimmed so as not to present a ragged, bushy, unkempt or eccentric appearance. In either case, the bulk of the head hair shall not interfere with the normal wearing of uniform headgear, nor shall it flare or curl up from beneath the lower edge of headgear. Hair on the forehead (also known as "bangs") is permitted to be worn down, provided it does not extend below the eyes. Should the forehead hair be of such length that it extends below the eyes, it shall be pulled back with the bulk of the head hair. Only those items necessary to hold hair in place may be worn. Decorative accessories (e.g., ribbons, barrettes, etc.) are prohibited.

“Protective Hairstyles” as defined by CRS § 24-34-301 are permitted for all employees. If the protective hairstyle is shoulder length or longer head hair and worn by a uniformed employee, it shall be pulled back and placed in a ponytail, bun, or braid above the top of the uniform shirt collar. If the protective hairstyle is head hair less than shoulder length it may grow naturally, but the hair shall be clean, groomed, and neatly trimmed so as not to present a ragged, bushy, unkempt, or

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eccentric appearance. In either case, the hairstyle shall not interfere with the normal wearing of uniform headgear, nor shall it flare or curl up from beneath the lower edge of headgear. In no case shall the top of the hair be higher than two inches above the top of the head, nor shall hair covering the forehead be worn in such a way as to interfere with vision or the wearing of uniform headgear. Only those items necessary to hold hair in place may be worn. Decorative accessories (e.g., ribbons, barrettes, etc.) are prohibited. Other requests for accommodation due to religious, medical, or other special circumstances should be addressed to the Chief of Police.

For all employees, designs, numbers, or initials cut or sculpted into the hair are not allowed.

For all employees, unnatural hair coloring or colors are not allowed. Dyed, tinted, bleached, or highlighted hair must be within one of the naturally occurring color ranges and professional in appearance. An unnatural hair color is one that falls outside the naturally occurring color range, including but not limited to pink, blue, green, orange, bright (fire engine) red, purple, fluorescent, or neon colors.

If hairpieces or wigs are worn, they shall comply with all provisions of this policy.

1024.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. There shall be a definite separation between the ends of the mustache and the sideburns.

1024.2.3 SIDEBURNS

Sideburns shall be kept trimmed and neat in appearance. Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes). The terminal portion of the sideburn (flare) shall not exceed the width of the main (unflared) portion by more than one half inch, nor shall any sideburn exceed one and one half inches in width at its widest point.

1024.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or the authorized designee.

1024.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1024.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

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(b) Earrings shall be small and worn only in or on the center of the earlobe. Only one earring may be worn on each earlobe.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1024.3 TATTOOS

While on-duty or representing the Department in any official capacity, tattoos shall not be visible. Employees shall ensure that tattoos are covered by authorized clothing or tasteful make-up. Arm sleeves from Custom Sport Sleeves (https://customsportsleeves.com) are authorized to be worn to cover arm tattoos. The arm sleeves must be solid black with no logos.

Employees with upper arm tattoos that terminate at the elbow are allowed to wear short sleeve shirts as long as there are no other visible tattoos below the elbow. Employees with tattoo cosmetic make-up are exempt from this policy.

This policy shall only apply to employees hired on or after January 1, 2013.

1024.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

(a) Facial piercing

(b) Tongue splitting or piercing

(c) The complete or transdermal implantation of any material other than hair replacement or breast augmentation

(d) Abnormal shaping of the ears, eyes, nose or teeth

(e) Branding or scarification

1024.5 PERSONAL HYGIENE AND CLEANLINESS

To maintain the highest degree of individual and group health, and to ensure a positive public image, department members shall, at all times, maintain themselves, their personal clothing and equipment, and departmental facilities, vehicles, and equipment in a clean, neat and hygienically acceptable condition.

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1024.6 PHYSICAL FITNESS

A police officer in good physical condition is one who possesses an efficient cardiovascular and respiratory system, moderate to low levels of body fat, and adequate muscular strength, endurance and flexibility. With such characteristics, an officer possesses the means to accomplish physical tasks, both occupational and personal, without undue fatigue or risk of injury or serious medical complications. Accordingly, all department members should maintain a level of physical fitness and weight control which will aid them in the performance of the physical aspects of their duties. Department members are encouraged to periodically consult with a physician of their choice and adhere to his/her recommendations concerning diet and exercise.

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Uniform Regulations

1025.1 PURPOSE AND SCOPE

The uniform policy of the Pueblo Police Department 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 Department uniforms. Employees should also refer to the following associated policies:

- Firearms Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The City of Pueblo will provide a uniform allowance to department members in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1025.2 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) Uniforms and equipment shall be maintained in a functional condition and ready at all times for immediate use. Uniforms shall be neat, clean, pressed, and not excessively or visibly mended, sewn, repaired, patched or worn out.

(b) All peace officers of this department 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) All supervisors will perform periodic inspections of their personnel to ensure conformance to applicable policies governing dress and appearance.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.

(h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the uniform, including the uniform pants.

(i) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or the authorized designee.

1. Wrist watch

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2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/ set may be worn on each hand.
3. Earrings (as specified in the Personal Appearance Standards Policy)
4. Medical alert bracelet

1025.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each department member an official Department identification card bearing the department member's name, identifying information and photo likeness. All department members shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, department members shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Bureau Chief.

(c) Department members shall verbally identify themselves whenever receiving or placing a telephone call in an official capacity, or whenever asked, unless doing so would hamper an investigation.

1025.3 UNIFORM SPECIFICATIONS

The various uniform specification classes are those identified in this policy.

1025.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform may also be worn other than on special occasions, at the officer's discretion. The Class A uniform is required for all certified officers. The Class A uniform includes the standard uniform with the following:

(a) Long-sleeve shirt with necktie

(b) Polished, all-black shoes or boots

The necktie shall be navy blue in color and plain. The necktie shall not be tucked into the shirt.

Long-sleeve shirts shall not be worn with the sleeves rolled up or under, or with the pockets or sleeves unbuttoned.

3/8" "PPD" pins shall be worn on the collar. Sergeants will wear gold pins, and corporals and officers will wear silver pins. The pins shall be worn parallel to the bottom edge of the collar.

The uniform hat may be worn for events held outdoors. The wearing of uniform hats may be mandatory at certain events, as directed by the Chief of Police.

Boots with pointed toes are not permitted.

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1025.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short-sleeve shirt may be worn with the collar open. No tie is required.

(b) A navy blue or black crew neck or v-neck undershirt must be worn with the navy blue uniform shirt, and a white crew neck or v-neck undershirt must be worn with the white uniform shirt. A navy blue or black turtleneck may be worn with the long sleeve, navy blue uniform shirt only, provided that no logos are displayed on the turtleneck other than "PPD."

(c) Polished, all-black shoes or boots.

(d) Boots with pointed toes are not permitted.

(e) A department-approved baseball style cap may be worn with the Class B uniform only.

1025.3.3 COMMAND STAFF DRESS UNIFORM

The command staff dress uniform is to be worn by members of command staff on special occasions, such as funerals, graduations, promotions and ceremonies, as directed by the Chief of Police. The command staff dress uniform may also be worn other than on special occasions, at the command staff member's discretion. The command staff dress uniform is required for all members of command staff. The command staff dress uniform includes the following:

(a) Single-breasted dress coat

1. Brand: Flying Cross
2. Style: #38800 (men's) or #38833 (women's)
3. Color: 86-LAPD Navy
    (a) 3/8" "PPD" pins shall be placed on the lower collar, just above the lapel, parallel to the gorge line.
    (b) Rank insignia (i.e., 1" captain bars, 3/4" deputy chief stars and 3/4" chief stars) shall be placed in the center of the cross-stitched shoulder straps, located outside of the epaulets. Do to the length of the insignia, chief stars may straddle the cross-stitched shoulder strap and the epaulet. Captain bars shall be oriented with the bars running parallel to the shoulder/sleeve seam.
    (c) Buttons shall be marked with the letter "P".
    (d) All buttons and lapels shall be gold.

(b) White, long-sleeve shirt with necktie

(c) Polished, all-black shoes or boots

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The necktie shall be navy blue in color and plain. The necktie shall not be tucked into the shirt. Long sleeve shirts shall not be worn with the sleeves rolled up or under, or with the pockets or sleeves unbuttoned.

The uniform hat may be worn for events held outdoors. The wearing of uniform hats may be mandatory at certain events, as directed by the Chief of Police.

Boots with pointed toes are not permitted.

1025.3.4 SPECIALIZED ASSIGNMENT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized assignments, such as the Identification Section, Canine Unit, SWAT, Bicycle Patrol Unit, motor officers and other specialized assignments.

1025.3.5 UNIFORM JACKETS, SWEATERS AND INCLEMENT WEATHER GEAR

The following provisions shall apply to uniform jackets, sweaters and rain gear to be worn as part of the regulation uniform:

(a) Both light and heavy weight uniform jackets shall be black or navy blue in color. Buttons and other accessories shall be silver for patrol officers and corporals and gold for sergeants and above.

(b) The Commando Sweater with epaulets and badge tab shall be black or navy blue in color. Sweaters shall be worn over the uniform shirt and tucked into trousers.

(c) Transparent, bright orange, bright yellow or black raincoats with reflectorized "POLICE" printing, and transparent cap covers, are authorized during inclement weather, as are black galoshes or other footwear. Black mouton caps with cap badge may be worn for general police duty during exceptionally cold weather. Black or navy blue knit watch caps may also be worn during exceptionally cold weather, provided that no logos are displayed on the caps except for a cloth Department patch or badge. Gloves, mittens, earmuffs and scarves must be black or navy blue in color. All other forms of inclement weather gear are not authorized.

1025.3.6 UNIFORM SHIRTS

Officers shall have the option of wearing either the short or long sleeve uniform shirts throughout the year. Long sleeve shirts shall not be worn with the sleeves rolled up or under, or with the pockets or sleeves unbuttoned. All shirt buttons must remain buttoned except for the last button at the neck. Any visible undershirt shall be navy blue or black when the navy blue police uniform shirt is worn and white when the white uniform shirt is worn. Officers below the rank of captain will wear the navy blue uniform shirt. Officers of the rank of captain or above may wear either a navy blue uniform shirt or a white uniform shirt. Only white or dark navy uniform shirts may be worn.

1025.3.7 UNIFORM TROUSERS

While in Class B uniform, department members have the option of wearing the standard uniform trouser (no cargo pockets) or the cargo trouser with either internal or external cargo pockets. Only the standard trouser may be worn with the Class A uniform.

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Although various fabric blends are acceptable, the fabric blend of the trouser must match the fabric blend of the uniform shirt. Only dark navy uniform trousers may be worn.

1025.3.8 UNIFORM FOOTWEAR

Only plain finished or patent leather black shoes and boots are authorized. Harness boots or oil finished footwear, and footwear with unusually high heels are not authorized.

Socks shall be black or navy blue. If it is necessary that socks of a different color be worn, the officer will be required to wear boots.

1025.3.9 LEATHER GEAR

All uniform belts and accessories shall be black, basket weave. Trouser belts shall be black. The belt shall be attached to the trouser belt with belt keepers, snap loops, or by means of velcro. All gear shall be kept clean and shined at all times. If metal accoutrements (buckles, snaps, buttons, etc.) are visible, they shall be of the color authorized for the officer's rank (silver for patrol officers and corporals, gold for sergeants and above).

1025.3.10 UNIFORM HATS

The uniform hat specifications for officers, corporals and sergeants are as follows:

- Style: Round
- Type: Modified Pershing
- Visor: 2” patent leather
- Frame: Ventilated mesh
- Color: Navy blue
- Band: ½” black plastic
- Buttons: Silver “P” (officers and corporals) / gold “P” (sergeants)

The uniform hat specifications for captains, deputy chiefs and chief are as follows:

- Brand: Bayly
- Style: Round
- Type: Modified Pershing
- Visor: 2¼” felt
- Frame: Ventilated mesh
- Color: Navy blue
- Band: ½” gold metal
- Buttons: Gold “P”

Command staff uniform hat visors shall have the following additional details:

- Captains: 6296 permagold oak leaf pattern

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- Deputy chiefs: 63095 permagold oak leaf pattern
- Chief: 6309 permagold oak leaf pattern

1025.3.11 MERITORIOUS SERVICE AWARD PINS AND TIE CLASPS
Meritorious service award pins shall be worn under the following standardized guidelines:

- When three or fewer meritorious service award pins are worn, more than one pin from any of the individual meritorious service award categories may be worn (duplicates allowed).
- When more than three meritorious service award pins are worn, only one pin from each category of meritorious service award received may be worn (no duplicates allowed).
- Meritorious service award pins shall be worn in the following order on the uniform shirt (from the perspective of the wearer):
    - When only one meritorious service award pin is worn, it shall be centered directly above the nameplate.
    - When two meritorious service award pins are worn, the highest ranking pin shall be placed above the nameplate directly right of the shirt seam with the second highest ranking pin on the same horizontal plane directly left of the shirt seam.
    - When three meritorious service award pins are worn, the third highest ranking pin shall be placed below the first row of pins, centered directly over the nameplate.
    - When four meritorious service award pins are worn, the third highest ranking pin placed directly below the highest ranking pin and the fourth highest ranking pin placed directly below the second highest ranking pin.
    - When five meritorious service award pins are worn, the fifth highest ranking pin shall be placed below the second row of pins, centered directly over the nameplate.
    - All subsequent meritorious service award pins shall be placed in the same order on the third and fourth rows of pins.
- Refer to Section 1030.4 for the ranking of the meritorious service awards.

Exceptionally large, gaudy or colorful tie clasps are not authorized.

See attachment: Pin Placement.pdf

1025.4 INSIGNIA AND PATCHES

(a) The authorized shoulder patch of the Department shall be machine stitched to the sleeves of all uniform shirts, sweaters and jackets, 3/4" below the shoulder seam of the shirt, centered under the epaulet. The printing and insignia of the official shoulder patch shall be readable, and not frayed or marred in any manner. Current members

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of the Bomb Squad are allowed to substitute the authorized shoulder patch for the authorized Bomb Squad patch (left sleeve only, from the perspective of the wearer) on all of the uniform articles requiring patches.

(b) The regulation nameplate shall be worn at all times while in uniform. The regulation nameplate is metal, silver for patrol officers and corporals and gold for sergeants and above. The nameplate shall be worn and placed directly above the pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket. The nameplate shall display the officer's name in one of the following fashions:

1. The initial of the first name followed by the entire last name (e.g., Officer John Doe would be J. Doe).
2. The initial of the first name as well as the initial of the middle name followed by the entire last name (e.g., Officer John Allan Doe would be J.A. Doe).
3. The entire first name followed by the entire last name (e.g., Officer John Doe would be John Doe).
4. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police.

(c) Hash marks shall be worn on the long sleeve uniform shirt indicating time in service. Each hash mark indicates five years of service as a sworn law enforcement officer. The hash marks shall be sewn on the left sleeve (from the perspective of the wearer) starting one inch up from the cuff, rising up and out toward the elbow.

(d) Assignment insignias (e.g., SWAT, PTO, etc.), military service insignias and command school insignias may be worn as follows:

1. Assignment insignias shall be worn directly above any meritorious service award pins. If no meritorious service award pins, then directly above the nameplate.
2. Military service insignias shall be worn directly above any meritorious service award pins and/or assignment insignias.
3. Command school insignias shall be worn directly above any military service insignias, meritorious service award pins and/or assignment insignias.
4. Single insignias in any classification shall be centered above the nameplate, bisected by the pressed shirt seam. Two insignias in any single classification shall be worn on a horizontal plane, each placed an equal distance from the pressed shirt seam.
5. A maximum of two insignias in any single classification may be worn (i.e., two assignment insignias, two military service insignias and two command school insignias).

(e) An American flag pin may be worn, centered above all insignias and pins on the uniform shirt.

(f) The department-issued uniform badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Certified non-uniformed personnel will wear or carry their uniform badge in a manner that the badge is in reasonable

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proximity to their firearm and able to be displayed whenever appropriate. The uniform badge shall be worn above the left breast pocket of the uniform shirt. Cloth badges are authorized for uniform jackets and sweaters, or the issued metal uniform badge may be worn on the jacket or sweater. In all cases, when in uniform, an authorized uniform badge shall be worn on the outermost garment breast. The department-issued hat badge shall be worn on the uniform hat. Upon separation from the Department by retirement, officers will be allowed to retain his/her uniform badge and purchase his/her hat badge if so desired.

(g) The designated insignia indicating the employee's rank must be worn at all times while in uniform.

1. Rank insignia for corporals and sergeants shall be sewn on the sleeves of all uniform shirts, jackets and sweaters centered 1/2" below the shoulder patch. Said insignia shall consist of two chevrons for corporals and three chevrons for sergeants.
2. Rank insignia for those ranks above sergeant shall be pinned to the collar of uniform shirts and to the epaulets of jackets and sweaters.
3. Captain bars shall be worn 1/2" to 3/4" below the top edge of the collar. When affixed to a long-sleeve uniform shirt, the insignia shall be worn with the ends of the bars pointed upward toward the neckline, such that the bars are perpendicular to the horizontal top edge of the collar. When affixed to a short-sleeve uniform shirt the insignia shall be rotated, such that the bars are parallel to the horizontal top edge of the collar. Insignia worn on jackets and sweaters shall be worn 1/2" to 3/4" back from the arm/shoulder seam, the bars oriented perpendicular to the length of the epaulets. Uniform shirt insignia shall be 3/4" in size, and jacket/sweater insignia shall be 1" in size. Refer to the subsection of this policy governing command staff dress uniforms for directions on insignia placement on dress coats.
4. Deputy chief and chief stars shall be worn 1/2" to 3/4" below the top edge of the collar on a horizontal plane, with the top points of the stars pointed upward toward the neckline and parallel to the top edge of the collar. Insignia worn on jackets and sweaters shall be placed 1/2" to 3/4" back from the arm/shoulder seam and centered on the epaulet. Uniform shirt insignia shall be 1/2" in size, and jacket/sweater insignia shall be 3/4" in size. Refer to the subsection of this policy governing command staff dress uniforms for directions on insignia placement on dress coats.

See attachment: Shoulder Patch.pdf

1025.4.1 MOURNING BADGE BAND

At the direction of the Chief of Police or the authorized designee, employees shall wear a black mourning band across the uniform badge when a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 30th day after the death.

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(b) A peace officer from this state - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen peace officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or the authorized designee.

If the black mourning band is of cloth material, the band shall be placed horizontally across the middle of the badge. In the absence of a cloth band, black tape shall be placed on the badge diagonally from the upper right corner of the badge to the lower left corner.

1025.4.2 UNIFORMED FACE MASKS

During times of widespread public health emergencies, such as a pandemic, the Chief of Police may direct members to wear a properly-fitted face mask. The purpose of face masks is to slow or prevent the spread of communicable diseases.

There are three types of face masks that may be worn by members. Those types are disposable face masks (e.g., N95 respirators and “surgical masks”), molded plastic face masks (e.g., “ActivArmor” brand), and cloth face masks (masks made of common textiles, usually cotton).

Cloth face masks worn by uniformed members shall cover both the nose and mouth. They shall be solid black or solid navy blue in color, and they shall not display any unauthorized wording, image or logo. Cloth face masks that display a Pueblo Police Department or City of Pueblo logo are permitted.

1025.5 NON-UNIFORMED AND CIVILIAN PERSONNEL ATTIRE

There are assignments within the Department that do not require wearing a uniform because either recognition and authority are not essential to their function or the wearing of civilian attire is necessary. The following guidelines shall apply to both sworn and civilian, non-uniformed personnel:

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male personnel who wear civilian clothing at work shall wear dress shirts (with a collar and button-front), neckties, slacks, and either sports coats or suits. The clothing shall present a businesslike, professional appearance.

(c) All female personnel who wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits. The clothing shall present a businesslike, professional appearance.

(d) The following items shall not be worn on-duty:

1. T-shirt alone
2. Athletic shoes, open-toed sandals or thongs
3. Swimsuit, tube tops or halter tops

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4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins
6. Jeans or corduroys of any color
7. Shorts
8. Sweatshirts, sweatpants or similar exercise clothing

(e) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Pueblo Police Department or the morale of the employees.

(g) Certified employees carrying firearms while wearing civilian attire shall wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1025.5.1 NON-UNIFORMED AND CIVILIAN FACE MASKS

During times of widespread public health emergencies, such as a pandemic, the Chief of Police may direct members to wear a properly-fitted face mask. The purpose of face masks is to slow or prevent the spread of communicable diseases.

There are three types of face masks that may be worn by members. Those types are disposable face masks (e.g., N95 respirators and “surgical masks”), molded plastic face masks (e.g., “ActivArmor” brand), and cloth face masks (masks made of common textiles, usually cotton).

Cloth face masks worn by non-uniformed and civilian members shall cover both the nose and mouth. They shall be solid black or solid navy blue in color, and they shall not display any unauthorized wording, image or logo. Cloth face masks that display a Pueblo Police Department or City of Pueblo logo are permitted.

1025.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Pueblo Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Pueblo Police Department to do any of the following:

(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, photo, any website or any other visual depiction

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1025.7 EQUIPMENT MAINTENANCE AND REPLACEMENT

All clothing and equipment that is not provided by the Department shall be purchased at the expense of the employee. Maintenance of such clothing and equipment shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

Replacement of employee-owned clothing and equipment shall be done as follows:

(a) When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

(b) When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1025.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Pueblo Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in policy or by the Chief of Police or the authorized designee.

Pueblo Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in policy or by the Chief of Police or the authorized designee.

1025.9 COURT APPEARANCE AND TRAINING ATTIRE

The standard for attire worn in court is business professional. Uniformed officers on-duty shall appear in court in uniform. Off-duty officers and personnel assigned to duties which do not require wearing of the police uniform shall appear either in uniform or in non-uniform attire that presents a professional image of the Department. Female personnel not appearing in uniform shall wear suits (either pant suits or skirt suits) with collared shirts or blouses (with suit coats) while attending court. Male personnel not appearing in uniform shall wear a suit or sports coat with a shirt and tie and trousers while attending court. Jeans and sneakers are not authorized attire for court appearances, and hats/caps must never be worn indoors at court. This will apply to any judicial or administrative proceedings, including but not limited to, Municipal Court, District Court, County Court, Federal Courts, and before the Colorado Department of Revenue.

The standard for attire worn in training is business casual. Unless specifically indicated otherwise in a training announcement, all department members attending any sort of internal or external training shall dress professionally in business casual attire. For female personnel, a reasonable length skirt or trousers of a non-jeans material combined with a top (such as a dress shirt, polo, or sweater set) is considered acceptable. For male personnel, a combination of collared shirt (such as a dress shirt or polo shirt), cotton trousers (such as khakis or blue, green, brown, or black trousers in the style of Dockers®) with a belt and modest shoes (such as loafers) with socks is acceptable. No hats or caps, hooded sweatshirts, team sports apparel, T-shirts, jeans, sneakers, open-toed shoes and other forms of casual clothing will be allowed. Hats and caps must never be worn indoors at any sort of training or department event. Supervisors attending training are responsible for addressing all instances of personnel wearing inappropriate training

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attire, regardless of whether or not the employee in violation of this policy falls under their normal direct supervision.

1025.10 DRESS STANDARDS WHILE ON EMERGENCY CALL-OUT

Personnel called out for emergency duty shall keep in mind that they are considered "on-duty," and comply with the dress and grooming standards set forth for their particular assignment. Some latitude may be allowed for emergency situations, but generally, such personnel will be expected to comply with applicable orders regarding personal appearance.

If an employee is unable to comply with the "on-duty" dress code, a black nylon jacket, with the visible word "POLICE", shall be worn. The nylon jacket should be worn at all times the employee is working at the scene of a police incident.

1025.11 RENDERING OF MILITARY SALUTE

Officers in uniform should render a military salute to the United States flag and national anthem at appropriate times. For the purpose of this section, an officer is considered to be in uniform when he/she is wearing either the class A uniform, the class B uniform, the command staff dress uniform or a specialized assignment uniform.

Department members in civilian attire should render proper civilian honors to the United States flag and national anthem at appropriate times.

1025.11.1 CONDUCT DURING NATIONAL ANTHEM

During rendition of the national anthem when the flag is displayed, officers in uniform should render the military salute at the first note of the anthem and retain this position until the last note.

Department members in civilian attire should stand at attention facing the flag with the right hand over the heart. Department members in civilian attire should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart.

When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

1025.11.2 CONDUCT DURING PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag, ‘I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, on Nation under God, indivisible, with liberty and justice for all’ should be rendered by standing at attention facing the flag with the right hand over the heart. Department members should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart.

1025.11.3 CONDUCT DURING RAISING, LOWERING AND PASSING OF FLAG

During the ceremony of raising or lowering the flag, or when the flag is passing in a parade or in review, officers in uniform should render the military salute.

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Department members in civilian attire should face the flag and stand at attention with the right hand over the heart. Department members in civilian attire should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart.

The salute to the flag in a moving column should be rendered at the moment the flag passes.

1025.12 UNIFORM STANDARDS COMMITTEE

The Uniform Standards Committee shall be established for the purpose of reviewing uniform, dress code and equipment issues. The Committee will meet on a quarterly basis, or as needed, and review current uniform, dress code and equipment-related issues raised by department members. The Committee will also review topics as directed by the Chief of Police. The Committee should be representative of the Department (sworn and civilian, uniformed and non-uniformed, and at least one command staff member). While the Committee will meet on a quarterly basis, unusual circumstances may require the Committee to assemble on short notice to discuss special issues. The Committee's recommendations will be forwarded to the Chief of Police via the highest ranking committee member.

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Police Explorers

1026.1 PURPOSE AND SCOPE

Explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in a training program in preparation for a career in law enforcement.

1026.2 EDUCATION REQUIREMENTS

Explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken in school or college while in the Pueblo Police Department Explorer Program.

1026.3 POST CHAIRPERSON

The Post Chairperson will monitor the training provided to all explorers and will oversee Post Committee functions and meetings. The Post Chairperson will be a liaison between the Explorer Post and the Chief of Police.

1026.3.1 POST ADVISERS

The Post Chairperson will seek individual officers to volunteer as advisers for the Explorer Program. These officers will serve as mentors for each explorer. Explorers will bring special requests, concerns and suggestions to their post adviser for advice or direction before contacting the Post Chairperson. One adviser may be designated as the Chairperson's assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each post adviser. Post advisers are not intended to circumvent the established chain of command. Any issues that may be of concern to the individual's supervisor should be referred back to the Post Chairperson.

1026.4 ORIENTATION AND TRAINING

Newly appointed explorers will receive an orientation of the organization and facilities before reporting to their first meeting. Training will be conducted in compliance with the Explorer Training Manual. In addition to job-specific training, information will be offered to prepare explorers to compete successfully in the police officer selection process, as well as academy training. All training will focus on improving performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the Program.

1026.5 EXPLORER UNIFORMS

Purchase of uniforms shall be the responsibility of the explorer. The specifications are described in the Explorer Handbook.

1026.6 RIDE-ALONG PROCEDURES

All explorers are authorized to participate in the Ride-Along Program, provided ride-along standards are met, on their own time and as approved by their immediate supervisor and the

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appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating in a ride-along.

1026.7 PERFORMANCE EVALUATIONS

Performance evaluations for all explorers shall be completed monthly during their first year. After the first year, explorers will be evaluated annually to assess their current performance and their potential as police officers.

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Nepotism and Employee Conflicts

1027.1 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 members of this department.

1027.1.1 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.

1027.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not 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 Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

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(b) Employees are prohibited from participating in, contributing to 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) Whenever reasonably possible, Police Training Officers (PTOs) and other trainers will not be assigned to train relatives. PTOs and other trainers 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 employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department 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.

(e) 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.

1027.2.1 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 the Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1027.2.2 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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Department Badges

1028.1 PURPOSE AND SCOPE

A Pueblo Police Department badge and uniform patch as well as the likeness of these items and the name of the Pueblo Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1028.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1028.2.1 FLAT BADGE

Certified officers may purchase, at their own expense, a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of policy as the uniform badge.

(a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Pueblo Police Department with the written approval of the Chief of Police or the authorized designee.

(b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1028.2.2 CIVILIAN PERSONNEL

Department identification cards issued to civilian personnel and volunteers shall be clearly marked to reflect the position of the assigned employee/volunteer (e.g. parking enforcement officer, dispatcher).

Civilian personnel and volunteers who wear uniforms that display a Department patch shall not represent himself/herself, on-duty or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a certified officer.

1028.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may retain their assigned uniform badge and hat badge for display purposes. It is intended that the badges are to be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1028.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department 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.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or the authorized designee.

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.

1028.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

(a) The employee associations may use the likeness of the Department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Pueblo Police Department.

(b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.

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Temporary Modified-Duty Assignments

1029.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1029.2 POLICY

Subject to operational considerations, the Pueblo Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. Temporary modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a **temporary** basis while providing the Department with a productive employee during the interim.

1029.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Colorado Anti-Discrimination Act (CADA) shall be treated equally, without regard to any preference for a work-related injury (CRS § 24-34-401 et seq.).

No position in the Pueblo Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

An injured employee may be assigned to a temporary modified-duty assignment outside of his/her normal assignment or duties if it becomes available. If the injury or illness is not duty related, the employee shall be given the option to either accept the assignment or continue to draw on applicable sick leave or other leave accounts as applicable.

(a) If an employee cannot adequately perform in a temporary modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a temporary modified-duty assignment.

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(c) The Department may place conditions as deemed appropriate upon any temporary modified-duty assignment.

The Chief of Police or the authorized designee may restrict officers working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Effective January 1, 2012, employees of the Pueblo Police Department shall not be permitted to be placed in or continue in a temporary modified-duty assignment for a period of time greater than six months except for reason of pregnancy. Any employee who cannot be placed in a temporary modified-duty assignment because of such time limit, who has exhausted all available leave and who is unable to return to full-duty shall be subject to separation from employment.

Consistent with the requirements of the Americans with Disabilities Act, any employee who believes himself or herself to be a qualified individual with a disability under the ADA is encouraged to contact the Director of Human Resources to request a reasonable accommodation. A reasonable accommodation does not include modification of an essential function of the employee's position or any accommodation which would cause an undue hardship to the City. If there exists no reasonable accommodation whereby the employee is able to perform the essential function of the employee's position, including for all officer positions the ability to effect a forcible arrest and the ability to fire a weapon, such employee shall be subject to separation from employment. An employee subject to separation from employment in these circumstances may request reassignment to an existing, vacant position in the City for which the employee is qualified. Such requests may be granted to the extent required and permitted by the ADA.

1029.4 PROCEDURE

Employees may request assignment to temporary modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Bureau Chief. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Bureau Chief will determine what temporary modified-duty assignments may be available based on the needs of the Department, the limitations of the employee and the suitability of the employee to work a particular assignment. Requests for a temporary modified-duty assignments of 40 hours or less may be approved and facilitated by the Bureau Chief. Assignments of longer duration are subject to the approval of the Chief of Police.

1029.5 ACCOUNTABILITY

Temporary modified-duty assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Chief.

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1029.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

1029.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Keeping the captain and Bureau Chief apprised of the employee's status and ability to perform the temporary modified-duty assignment.

(b) Submitting a written status report to the captain and Bureau Chief when temporary modified-duty assignments extend beyond 60 days. The status report should include an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(c) Notifying the Bureau Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(d) Ensuring that employees returning to full duty have completed any required training and certification.

1029.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide an Employee Medical Return to Work Certificate signed by their health care provider stating that they are medically cleared to perform the essential job functions of their assignment without restriction or limitation.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1029.7 PREGNANCY

It is the policy of the Department to reassign officers who are pregnant upon request by the officer or when deemed necessary by the Department to temporary assignments that will not routinely expose the officer to potentially hazardous environments or activities.

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1029.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1029.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Performance Evaluation Policy

1030.1 PURPOSE AND SCOPE

It shall be the policy of the Pueblo Police Department to utilize a written annual performance evaluation system for all department members. The Department recognizes that performance evaluation systems can be an effective tool in assisting the individual employee in maximizing efficiency, increasing productivity and providing feedback to the employee.

1030.2 DEFINITIONS

Employee - The department member being evaluated.

Employee Contact Sheet - Form used by raters to document quarterly meetings and notable performance, either positive or negative, by employees between performance evaluations.

Employee counseling - For purposes of this policy, employee counseling means a discussion between the employee being rated and the rater that concerns matters and issues pertaining to the rated employee's work performance.

Evaluation period - A written performance evaluation of employees of the Pueblo Police Department shall be completed annually, and will be due by December 15th for the evaluation period of November, December, January, February, March, April, May, June, July, August, September and October.

Performance - Actions that have been taken or been omitted with regard to specific tasks or assignments.

Performance evaluation - Written documentation, which is used to evaluate or determine the value and measure of an employee's work performance.

Pueblo Police Department Employee Development Program Manual - Reference manual used to facilitate the completion of performance evaluations, which shall be maintained on the Pueblo Police Department Intranet site.

Rater - The immediate supervisor who is responsible for evaluating a subordinate employee.

Quarterly meetings - Mandatory meetings between the rater and the employee that take place on a quarterly basis for the purpose of providing the employee with the rater's assessment of the employee's performance.

Reviewer - The person who completes the reviewing officer's section of the evaluation form and is normally the rater's supervisor.

1030.3 PERFORMANCE EVALUATION SYSTEM OBJECTIVES

The Pueblo Police Department utilizes the performance evaluation system to benefit both the Department and the individual department members. The objectives of the system include, but are not limited to:

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(a) Foster fair and impartial personnel decisions

(b) Maintain and improve an employees' performance by:

1. Measuring individual strengths and weaknesses,
2. Identifying training needs,
3. Determining an employee's potential for specialized assignment, and
4. Determining an employee's potential for increased responsibility.

(c) Provide a medium for personnel counseling and feedback in order to facilitate the improvement of work performance

1030.4 ADMINISTRATION OF THE PERFORMANCE EVALUATION SYSTEM

The performance evaluation system shall be administered through the office of the Chief of Police, which is vested with the responsibility of rater training, form distribution and performance evaluation records retention.

In order to provide supervisors (raters) with the necessary knowledge, skills and abilities to accurately assess their employees' performance, the Pueblo Police Department will provide rater training to all applicable newly promoted supervisors. The Pueblo Police Department will ensure continuing rater training occurs on a periodic basis involving all applicable supervisors.

1030.5 LINES OF EVALUATION

Performance evaluations shall be completed by command staff and supervisory personnel. All employees except the Chief of Police, sworn and civilian, will generally be evaluated by their immediate supervisor.

When an employee is supervised by more than one supervisor during an evaluation period, the rating supervisor shall confer with the other supervisor(s) prior to completing the evaluation of the affected employee.

1030.5.1 EVALUATION OF COMMAND STAFF

(a) The Chief of Police shall evaluate the performance of all deputy chiefs.

(b) Deputy chiefs shall evaluate the performance of all captains.

1030.5.2 EVALUATIONS BY CAPTAINS

Captains shall evaluate the performance of:

(a) Sergeants

(b) Dispatch Manager

(c) Records Manager

(d) Code Enforcement Supervisor

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1030.5.3 EVALUATIONS BY SERGEANTS
Sergeants shall evaluate the performance of:

(a) Corporals

(b) Police Officers

(c) Civilian Employees

1030.5.4 COMMUNICATIONS CENTER EVALUATIONS
The Communications Center shall conduct performance evaluations in the following fashion:

(a) The Dispatch Manager shall evaluate Emergency Services Dispatch (ESD) Supervisors and the Dispatch Training Coordinator.

(b) Emergency Services Dispatch (ESD) Supervisors shall evaluate Emergency Services Dispatchers.

(c) The Support Services Division Captain shall review all Communications Center performance evaluations.

1030.5.5 RECORDS SECTION EVALUATIONS
The Records Manager shall evaluate the performance of all civilian personnel assigned to the Records Section.

1030.5.6 CODE ENFORCEMENT EVALUATIONS
The Code Enforcement Supervisor shall evaluate the performance of all civilian personnel assigned to Code Enforcement.

1030.6 SUPERVISOR ABSENCES DURING PERFORMANCE EVALUATIONS

Supervisors who, due to planned absences from duty cannot complete performance evaluations of their employees during the established dates (i.e., November 1st until December 15th) shall ensure that the evaluations are completed by utilizing any of the following methods:

(a) Completing the performance evaluations in a reasonable time period, either before or after the leave of absence, with the prior approval of their immediate supervisor, or

(b) Making other arrangements with his/her immediate supervisor to ensure the completion of performance evaluations of the employees he/she is responsible for supervising.

1030.7 PERFORMANCE EVALUATION FORMS

All performance evaluations shall be completed on a form approved by the Chief of Police, all of which shall be maintained on the Pueblo Police Department Intranet site. Refer to the Pueblo Police Department Employee Development Program Manual for guidance on the specific form to use for individual employee classifications.

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1030.8 FREQUENCY OF EVALUATIONS

Performance evaluations shall be completed on all non-probationary employees on an annual basis.

(a) The performance of entry-level probationary employees shall be evaluated monthly, at a minimum, as required by the Police Training Officer Program, using the forms and rating criteria provided by said program.

(b) The performance of employees promoted to a higher rank shall be evaluated monthly until the completion of the established probationary period.

1030.9 COMPLETION OF FORMS

Completion of the performance evaluation forms shall take place in the following order:

(a) Raters shall initiate the completion of the performance evaluation forms by directing his/her employees to download the applicable form from the Pueblo Police Department Intranet site and conduct a self-evaluation by completing the "Employee" section of the performance evaluation form.

(b) Upon completion of the "Employee" section, the employee shall forward the performance evaluation form to his/her rater.

(c) The rater shall then complete the "Rater" section of the performance evaluation form.

1. Explanatory comments are required for factors in which the employee is rated at "distinguished performance," "unsatisfactory performance" or "developing" (refer to Pueblo Police Department Employee Development Program Manual for situations in which employees may be rated as "developing").

2. The explanatory comments shall be made in the "Rater Comments" section of the performance evaluation form.

1030.10 EMPLOYEE COUNSELING

Upon completion of the rater's section of the performance evaluation forms, each rater shall meet individually with the employees they evaluate in a private, non-confrontational setting to accomplish the following tasks, at a minimum:

(a) Discuss the results of the performance evaluation just completed,

(b) Clarify rater expectations of the employee for the following evaluation period,

(c) Establish goals and objectives for the following evaluation period,

(d) Conduct career counseling relative to such topics as advancement, specialization and training,

(e) Allow the employee to sign and make written comments to supplement the completed performance evaluation, and

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(f) Complete the remainder of the performance evaluation form, in full.

1030.10.1 QUARTERLY MEETINGS

Raters shall meet with each their employees individually, on a quarterly basis, to discuss the employee's year-to-date performance. These meetings shall take place within the months of January, April, July and November, with the November meeting satisfying that which is required for the annual evaluation. With the exception of the November meeting, which shall be documented on the annual performance evaluation form, quarterly meetings shall be documented on Employee Contact Sheets. Employee Contact Sheets shall be submitted and retained with the applicable annual performance evaluation.

1030.11 REVIEW OF PERFORMANCE EVALUATIONS

All completed performance evaluations shall be forwarded to the reviewer for approval prior to being forwarded up through the chain of command. The reviewer shall ensure the rater's evaluations accurately reflect the employee's actual performance, and that the evaluations are thorough and complete. The reviewer's signature is required for proof of approval.

1030.12 EMPLOYEE PERFORMANCE

Supervisors who rate their employees "below expectations" on any factor shall be responsible for making reasonable intervention efforts to correct the unsatisfactory performance and assist the employees in achieving a higher rating.

Supervisors shall complete Employee Contact Sheets, as soon as practicable, to document notable positive or negative performance on the part of their employees, whenever such performance occurs.

- Employee Contact Sheets shall be maintained on the Pueblo Police Department Intranet site.
- Employee Contact Sheets shall be used as written notification of notable performance, either positive or negative, as well as documentation by raters to justify rating scores given to their employees on performance evaluations.
- Employee Contact Sheets shall be submitted and retained with each employee's respective performance evaluation for the corresponding evaluation period.
- A supervisor who completes an Employee Contact Sheet on any of their employees shall advise them, via meeting, of their reasons for initiating the document.
- Employees shall have the opportunity to comment on the remarks made by their respective supervisors on the Employee Contact Sheets.
- A copy of the completed Employee Contact Sheet shall be provided to the employee, without delay, to serve as written notice of notable performance.

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1030.13 RATER PERFORMANCE

Raters shall be evaluated, by their immediate supervisor, on their ability to carry out the rater's role in the performance evaluation process. Such abilities include, but are not limited to:

(a) The ability to accurately assess employees' performance,

(b) The ability to assign ratings free of impartiality,

(c) The ability to affectively counsel employees, and

(d) The ability to maintain updated documentation regarding employee performance between performance evaluations.

1030.14 APPEALS

A copy of the completed performance evaluation shall be provided to the employee upon request. If an employee feels that the ratings or comments reflected in an evaluation do not accurately represent the employee's actual performance during the evaluation period, the employee may appeal the rater's decision by selecting "I disagree with the evaluation" under the "Employee Comments" section of the performance evaluation form and providing substantiating comments in the corresponding section. The reviewer shall then note the employee's disagreement, review all documentation associated with the evaluation and arrange a conference between the employee, rater and reviewer. Upon completion of the review, the reviewer shall make a decision as to whether or not to change the rating assigned to the employee by the rater. If the employee remains dissatisfied with the results of the review process, he/she may appeal the evaluation to the next highest level of authority via chain of command in memorandum form. Should an employee appeal an evaluation up to the Chief of Police, the Chief of Police shall make the final decision regarding the appeal.

1030.15 REVIEW OF THE PERFORMANCE EVALUATION SYSTEM

The Chief of Police may, at his/her discretion, order a review of the performance evaluation system. The review should include, at a minimum, an analysis of the validity of the system and an analysis of how well the system is being applied. The review should identify aspects of the system that are functioning well and aspects of the system in need of improvement. The review may be delegated to an individual employee or assigned to a committee of employees established for this purpose, as determined by the Chief of Police.

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Personnel Early Intervention System

1031.1 PURPOSE AND SCOPE

The Pueblo Police Department has a responsibility to its employees and the community to identify and assist employees that demonstrate symptoms of job stress and performance problems. Although no particular set of criteria can determine these traits, it is important that certain risk indicators be reviewed routinely as possible indicators of behavior patterns. The Personnel Early Intervention System has been established to provide a systematic review of specific written materials and incidents, and to highlight tendencies that may otherwise be overlooked.

1031.2 RISK INDICATORS

The following list represents examples of risk indicators that may be indicative of job stress or performance problems when demonstrated in a pattern by an employee. The list is not all-inclusive, and supervisors may deem other behaviors or actions of their employees as risk indicators at their discretion.

(a) Disciplinary actions - Includes Letters of Reprimand, suspensions and demotions. When applied as a risk indicator, items such as the frequency of disciplinary actions, level of discipline, and the actions or behaviors that resulted in discipline should be taken into consideration.

(b) Personnel complaints - Includes any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. When applied as a risk indicator, items such as the frequency of personnel complaints made against the department member, the actions or behaviors that resulted in complaints, and the complaint dispositions should be taken into consideration.

(c) Responses to aggression/resistance - The application of physical techniques or tactics, chemical agents or weapons by a department member to another person. When applied as a risk indicator, items such as the frequency of force applications, types of force used, whether the employee was a primary or back-up officer, etc. should be taken into consideration.

(d) Vehicle pursuits - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop. When applied as a risk indicator, items such as the frequency of vehicle pursuits and the tactics used should be taken into consideration.

(e) Civil litigation - Generally includes all disputes that are formally submitted to a court, about any subject in which one party is claimed to have committed a wrong, but not a crime. When applied as a risk indicator, the number and types of lawsuits filed against a department member, the findings from the suits and the adverse effects of media attention on the department member (if any), should be taken into consideration.

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(f) Traffic accidents - Motor vehicle accident involving a department vehicle. When applied as a risk indicator, the frequency and seriousness of the accidents, and the type of violations or activities that led up to the accidents, should be taken into consideration.

(g) Declining performance - Performance by an employee in which his/her execution of required tasks and/or the quality of his/her work product is declining from his/her typical level of performance.

(h) Excessive sick leave usage - Consistent or frequent sick leave usage immediately before or after scheduled days off; consistent or frequent sick leave usage immediately before or after vacation days; consistent or frequent sick leave usage on holidays; consistent or frequent sick leave usage that coordinates with days off, vacation, or sick leave usage by a spouse or significant other also employed by the City of Pueblo; a pattern of sick leave usage on certain days without explanation; maintaining a sick leave accrual balance at or near zero.

(i) Casualties - Includes on-duty injuries and occupational diseases resulting from accidents or work conditions. When applied as a risk indicator, the frequency and types of injuries, the causes of the injuries, etc. should be taken into consideration.

(j) Conduct out of character - Includes unnecessary risks which endanger the department member or his/her co-workers, inappropriate language or conduct, workplace violence, personal issues, etc.

1031.3 INITIATION OF PERSONNEL EARLY INTERVENTION SYSTEM

It shall be immediate supervisor's responsibility to ensure that a review is initiated when certain patterns of behavior, identified above as "risk indicators," are exhibited by the employees he/she supervises. A review is mandatory when an employee accumulates any combination of six personnel complaints, uses of force, traffic accidents or vehicle pursuits within any six month period. Supervisors shall otherwise monitor their employees for other risk indicators, some of which are not quantifiable, and initiate reviews when appropriate. In all cases, the immediate supervisor shall explain his/her rationale for initiating a review by explaining the behaviors/incidents that his/her employee demonstrated in the appropriate fields on the Personnel Early Intervention System Review Form.

In order to avoid the escalation of more serious problems and to assist the employee in resolving the situation in a timely manner, the review shall be initiated by the employee's immediate supervisor as soon as practicable.

1031.4 PERSONNEL EARLY INTERVENTION SYSTEM PROCESS

The immediate supervisor of the employee demonstrating risk indicators shall:

(a) Collect and evaluate any applicable materials associated with the behavior patterns that prompted the review,

(b) Conduct a conference with the subject employee,

(c) Complete a Personnel Early Intervention System Review Form,

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(d) Evaluate the information contained in the completed Personnel Early Intervention System Review Form, and

(e) Evaluate any other relevant material.

In order to ensure that a fair and meaningful assessment is made, it is important that all appropriate material is evaluated during the review. The immediate supervisor shall document the results of the review as well as his/her recommendations on the Personnel Early Intervention System Review Form.

1031.5 FINAL DETERMINATION

If a resolution can be made during the review process and conference with the employee, the immediate supervisor will make the appropriate notation on the Personnel Early Intervention System Review Form summary, initiate any corrective action (if required) and submit the form to the Internal Affairs Section for placement in the employee’s Internal Affairs file.

If further review is required, the employee's chain of command, up to the appropriate Bureau Chief, jointly makes a final determination based on an assessment of the previously completed review and conference with the employee. The Personnel Early Intervention System Review Form with a summary of the supervisory review determinations and recommendations shall then be placed in the employee's Internal Affairs file housed and retained in the Internal Affairs Section. Determinations and recommendations may result in one or more of the following alternative measures:

(a) Assessment that no problem exists, terminating further action

(b) Counseling by the immediate supervisor

(c) Remedial training

(d) Referral to peer counseling

(e) Referral to Employee Assistance Program for counseling/support

(f) Referral to drug testing, if reasonable suspicion exists

(g) Referral to psychological or medical fitness for duty examinations

(h) Other corrective or disciplinary action as deemed appropriate

Personnel Early Intervention System reports/records shall be maintained by the Internal Affairs Section.

1031.6 INTERNAL AFFAIRS SECTION RESPONSIBILITIES

Considering the unique position of personnel assigned to the Internal Affairs Section to become aware of employees demonstrating risk indicators before their immediate supervisors may become aware of them (e.g., Receipt of personnel complaints and civil litigation), it shall be the responsibility of the Internal Affairs Section to notify the appropriate supervisors when such information becomes available and/or patterns develop.

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1031.7 EVALUATION OF PERSONNEL EARLY INTERVENTION SYSTEM

The Internal Affairs Section shall conduct a documented annual evaluation of the Personnel Early Intervention System to ensure that all elements of the system are operating efficiently and effectively to meet the needs of the Department.

1031.8 EMPLOYEE ASSISTANCE PROGRAM

Recognizing that employees, by virtue of their profession, encounter situations that require them to take action which may result in their suffering emotional or psychological trauma, the Pueblo Police Department, via the City of Pueblo, will assist its members to understand the impact of such incidents by providing employee assistance services via external entities (e.g., the City's designated Employee Assistance Program provider).

Employees who are interested in obtaining the services of the Employee Assistance Program should contact the City of Pueblo Human Resources Department for further instructions.

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Employee Speech, Expression and Social Networking

1032.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

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. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

This policy is in addition to and is not meant to limit employee compliance with General Regulation #7, Political Activity.

1032.1.1 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, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1032.2 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 Pueblo Police Department 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.

1032.3 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 Pueblo Police Department 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 of any employee, an employee's family or associates.

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Examples of the type of information that could reasonably be expected to compromise safety include:

- 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.

Members of this department should be aware that privacy settings and social media sites are constantly in flux, and it should never be assumed that personal information posted on such sites is protected.

1032.4 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 Pueblo Police Department or its employees.

(b) Speech or expression, including statements, speeches, appearances, endorsements and the publication of materials, which could reasonably be considered to represent the views or positions of the Department without the express written authorization of the Chief of Police.

(c) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Pueblo Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Pueblo Police Department 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.

(d) 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.

(e) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. 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.

(f) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Pueblo Police Department.

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(g) Speech containing obscene or sexually explicit language, images, or acts and statements, or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

(h) Speech involving a member or other department members reflecting behavior that would reasonably be considered reckless or irresponsible.

(i) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial gain, or data classified as confidential by state or federal law, or any disclosure of such materials without the express written authorization of the Chief of Police.

(j) 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 Pueblo Police Department on any personal or social networking or other website or web page without the express written authorization of the Chief of Police.

(k) Posting personal photographs or providing similar means of personal recognition that would reflect poorly on members or the Department, which would thereby bring disrepute to the Department.

(l) Posting any form of visual or personal identification by officers who are, or may be reasonably expected to work, in undercover operations.

(m) 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.

A member is required to take reasonable and prompt action to remove any content that is in violation of this policy, whether posted by the member and/or others, from any web page or website maintained by the member (e.g., social or personal website). In addition, engaging in prohibited speech noted herein may provide grounds for undermining or impeaching a member’s testimony in criminal proceedings. Members thus sanctioned are subject to disciplinary action.

Any member becoming aware of, or having knowledge of a posting or of any website or web page in violation of the provisions of this policy, shall notify his/her supervisor as soon as practicable.

Nothing herein shall be construed as limiting in any way the right of the Union to process grievances, provide representation, collectively bargain, arbitrate, or utilize documents for such

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purposes. Nothing herein shall limit the right to access, copy, or publication of public records as defined by law.

1032.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, members may not represent the Pueblo Police Department or identify themselves in any way that could be reasonably perceived as representing the Pueblo Police Department in order to do any of the following, unless specifically authorized in writing by the Chief of Police:

(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

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1032.4.2 CIVIL LITIGATION

Members of this department should be aware that they may be subject to civil litigation for the following:

(a) Publishing or posting false information that harms the reputation of another person, group or organization (defamation);

(b) Publishing or posting private facts and personal information about a person 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 a person'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.

1032.5 PRIVACY EXPECTATION

Members 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.

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The Department 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 Department, including the Department 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 a user name or password does not create an expectation of privacy if it is accessed through department computers or networks.

1032.6 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 Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(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 Department.

1032.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Funerals and Line of Duty Deaths

1033.1 PURPOSE AND SCOPE

This department will participate in funeral ceremonies for active or retired police officers if requested by family members, or any other funeral service when so authorized by the Chief of Police. This department will also provide assistance to surviving family members of department members who die in the line of duty. The purpose of this policy is to outline the procedures for the Department's participation in funeral ceremonies as well as the Department's level and scope of assistance provided to surviving family members of department members who die in the line of duty.

The Chief of Police may also institute the appropriate portions of this policy in the event a member suffers a serious line of duty injury or a natural death.

1033.2 INITIAL NOTIFICATION

The Watch Commander shall make proper notifications to the immediate family members of department members who die or sustain serious injuries in the line of duty. The notification should be made in person, when practicable, and should never be delayed. The Watch Commander should obtain the assistance of an ACOVA (A Community Organization for Victim Assistance) victim advocate and a member of the Pueblo Law Enforcement Chaplain Corps when making the notification, when practicable, as well as any other representatives or resources that may be needed. The Watch Commander should provide as much specific information about the incident as possible.

If the immediate family members live outside of the Pueblo area, the Watch Commander shall initiate a teletype message by the Communications Center to the appropriate agency with a request to make the personal notification. The Watch Commander may choose to call the other agency by telephone in addition to the teletype message.

In the event of an on-duty death or serious injury, the external monitoring of police radio frequencies may be extensive. Communications regarding notifications should be restricted to telephone whenever possible. If the media obtains the seriously injured or deceased department member’s name, they should be advised to withhold the information pending notification of the department member’s immediate family.

The name of the seriously injured or deceased department member shall never be released to the media prior to the notification of the immediate family.

If the immediate family requests to visit a hospital, they may be transported in a police vehicle.

1033.3 FUNERAL CEREMONIES, OFFICER IN CHARGE

The Special Services Division Captain will be in charge of coordinating all funeral activities.

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1033.3.1 SPECIAL SERVICES DIVISION CAPTAIN DUTIES
The duties of the Special Services Division Captain shall include, but will not be limited to, the following:

(a) Act as a liaison between the Department, the family, and the funeral home.

(b) Upon being notified of the date and time of the funeral he/she will make arrangements with the church and/or the funeral home for the seating of police personnel.

(c) Arrange for an escort which may include police motorcycles and/or marked police cars, or a combination of both.

(d) Make arrangements for Honor Guard activities that may be needed at the church, funeral home, and/or the cemetery in coordination with the immediate family.

The Special Services Division Captain shall also be responsible for initiating a Colorado Crime Information Center (CCIC) teletype message via the Communications Center to include the following information:

(a) Name of the deceased department member

(b) Date and time of death

(c) Circumstances surrounding the death

(d) Funeral arrangements

(e) Uniform to be worn if attending the funeral

(f) Contact information of the Special Services Division Captain

1033.4 HONOR GUARD DUTIES

On leaving the place of services the uniformed personnel will form an honor corridor. Depending on the area available, the officers may be directed to form up on one or both sides of the exit. The officers will assemble in formation and will stand at ease until directed to come to attention by the Honor Guard.

(a) The Command for that action will be "DETAIL ATTENTION". This will be at the emergence of the cortege.

(b) As the casket draws even with the Honor Guard the command will be given "PRESENT - ARMS" at which time all officers will give a hand salute.

(c) After the casket has passed the Honor Guard, the command will be given "ORDER - ARMS" at which time all officers will continue to stand at attention.

(d) The Honor Guard will remain at attention until the command "DETAIL - DISMISSED" is given, at that time the officers will go to police vehicles that will transport them to the cemetery.

The above described Honor Guard procedures will be repeated at the cemetery with two changes:

(a) After the command "ORDER - ARMS" is given the Honor Guard will stand at attention until the casket is placed on the bier.

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(b) The command "AT - EASE" will be given and the Honor Guard will remain at ease until the services are over, at which time they will be brought back to attention and then dismissed. Unless directed otherwise, there will be no formal escort on leaving the cemetery.

1033.5 FUNERAL ATTIRE

Members of the Department wishing to attend services shall, if possible, appear in uniform. Detectives and other non-uniformed personnel shall form with the uniformed personnel and enter the place of services directly behind them, sitting in one group in the designated area.

The uniform for funeral ceremonies will be the Class A uniform. Command staff attending in uniform shall wear the dress uniform.

1033.6 PERIOD OF MOURNING

Upon the death of a police officer, the Chief of Police may proclaim a period of mourning. During this period of mourning, all uniformed personnel shall wear a black band on the police badge until midnight on the 30th day after the death as prescribed in the Uniform Regulations Policy.

1033.7 EMPLOYEE LINE OF DUTY DEATH OR SERIOUS INJURY

The Department will provide liaison assistance to the immediate survivors of a department member who dies in the line of duty. This assistance will be provided whether the department member dies as a result of a criminal act or as a result of an accident while the department member was performing a police related function, whether on- or off-duty, while he or she was an active member of the Department.

The Chief of Police will designate an officer to serve in this capacity. The liaison officer's duties will include assisting the survivors in obtaining a complete and comprehensive study of survivor's benefits, familiarizing them with the counseling services available through the Department or the member's insurance plan, assisting in the making of funeral arrangements, and arranging the delivery of the department member’s personal belongings to the family.

The Chief of Police may also institute the appropriate portions of this section in the event a member suffers a serious line of duty injury or a natural death.

1033.8 ASSISTANCE FOR AFFECTED DEPARTMENT MEMBERS

Department members who were on scene or who arrived shortly after a department member was seriously injured or killed may be relieved as circumstances permit, at the discretion of the Watch Commander.

A critical incident/stress debriefing should occur as soon as practicable. The Operations Bureau Chief is responsible for organizing the debriefing. If the serious injury or death of a department member is related to an incident in which a person is injured or killed as a result of a department member’s actions, the debriefing procedures set forth in the Officer-Involved Shootings and Deaths Policy shall be followed.

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Funerals and Line of Duty Deaths

Department members who may have been emotionally affected by the serious injury or death of another department member should be referred to the Employee Assistance Program.

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Attachments

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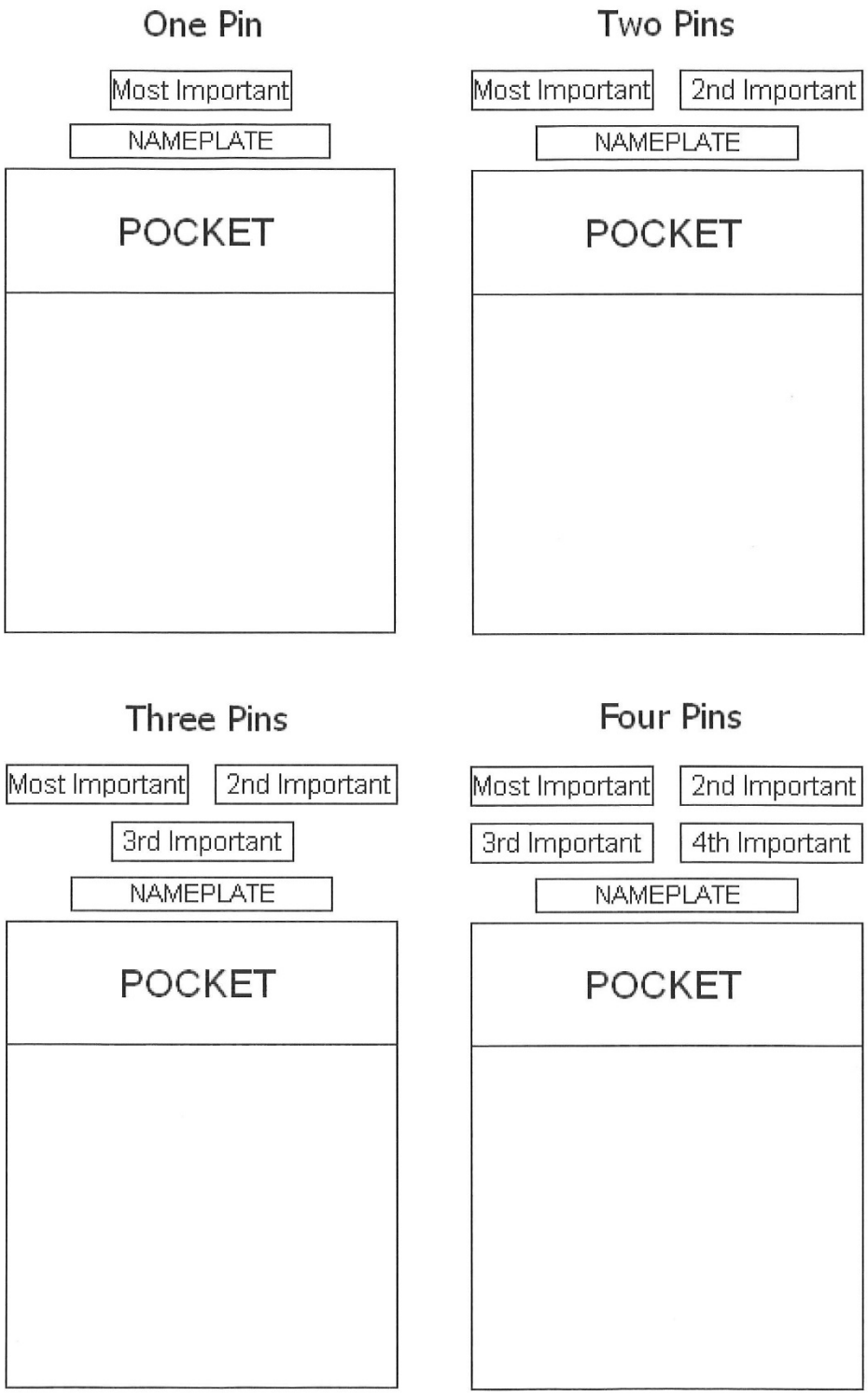
PIN PLACEMENT



Organizational Chart.pdf

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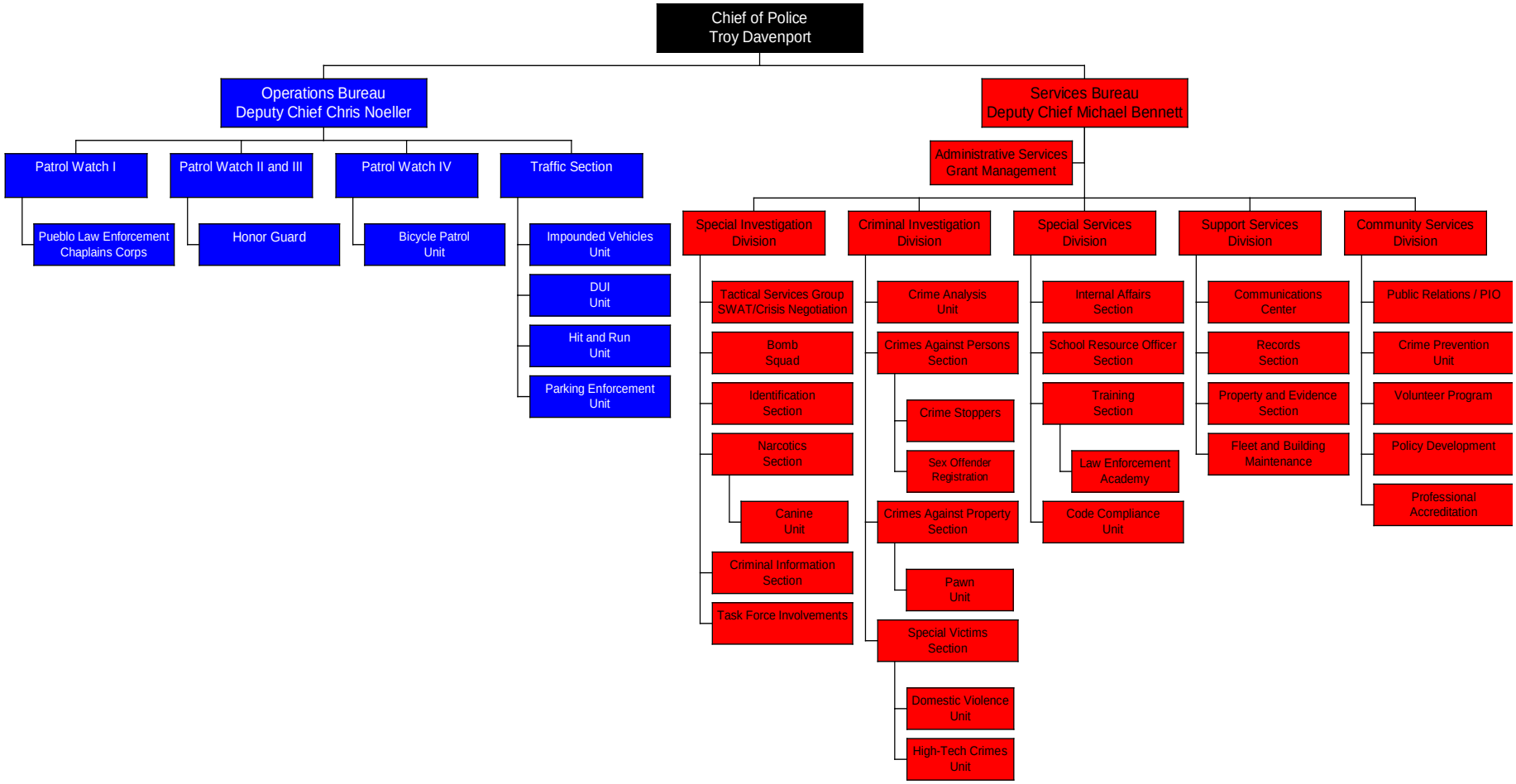
ORGANIZATIONAL CHART

December 2017



Beat Map.pdf

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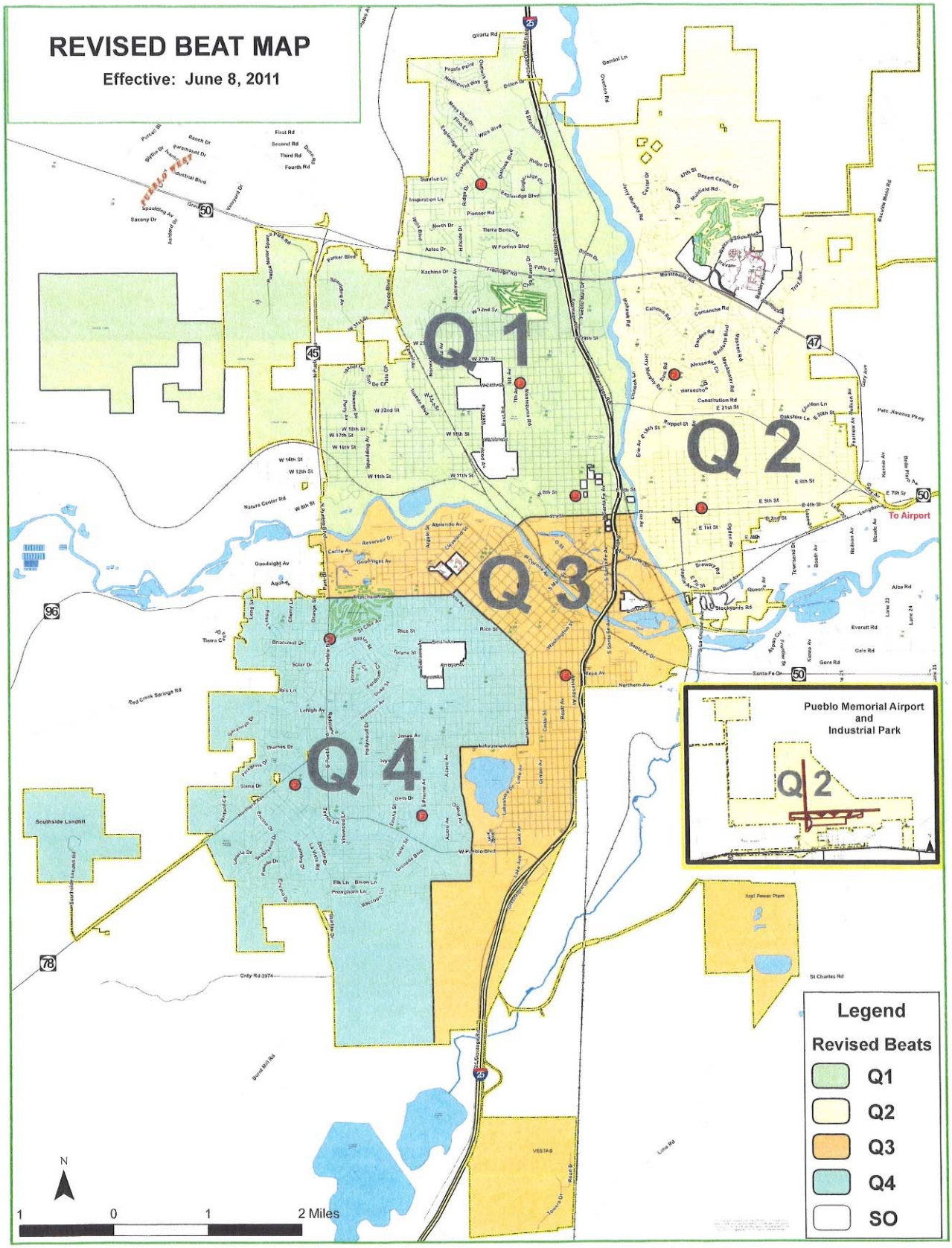
BEAT MAP


REVISED BEAT MAP
Effective: June 8, 2011
Q1
Q2
Q3
Q4
To Airport
Pueblo Memorial Airport and Industrial Park
Legend
Revised Beats
Q1
Q2
Q3
Q4
SO
N
1 0 1 2 Miles

Shoulder Patch.pdf

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SHOULDER PATCH

Appendix 1 - Sign Language Interpreter Pictogram.pdf

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Sign Language Interpreter?

yes

no

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