

Evans Police Department

Law Enforcement Services Manual

CHIEF'S PREFACE

CHIEF'S PREFACE

I am pleased to present to you the final and complete policy manual for the Evans Police Department. The Lexipol system insures that our agency is compliant with current state and federal law and that the Evans PD adheres to the best practices in professional American policing.

It is important to understand that no policy manual can address every situation you may encounter in your day to day duties and responsibilities, nor is our policy manual intended to do so. Sound judgment, solid decision making, and application of training must be exercised. Interpreting policy guidelines through the lens of our established values will aid you in making the right decisions.

P

Professionalism

- Act in a manner that reflects positively on law enforcement.
- Deep personal commitment to improve skills, knowledge, and abilities. Be an expert in your field.
- Exemplify through thought and deed the honor and duty we have to exercise our authority with restraint and humility.
- Reliable.
- Accept responsibility – don't make excuses – be accountable.

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- | | | |
|---|--------------|---|
| R | Respect(ful) | <ul style="list-style-type: none">• Treat people as you would want your mother treated by an officer.• Be courteous.• Be patient. Empathize.• Listen more – talk less.• Be helpful. Find solutions not problems. |
| I | Integrity | <ul style="list-style-type: none">• Be honest to everyone, including yourself.• Act in a consistent manner.• Strive for congruency – your thoughts and actions reflect your beliefs.• Acknowledge when you are wrong.• Hold others accountable. |
| D | Dedication | <ul style="list-style-type: none">• Be passionate about your life – personally and professionally.• So many people depend on you – don't let them down.• Take your oath seriously.• Act with a purpose.• Be a part of the community. |

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Chief's Preface

E

Excellence

- Do your best.
- Listen.
- Be willing to change.
- Get better at what you do.
- Serve others.
- Know yourself.

What you do everyday matters. Your words, actions, and deeds make a difference. The Evans Police Department is a sum of its parts and each of you are a critical part to our success!

Chief Rick D. Brandt

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LAW ENFORCEMENT CODE OF ETHICS

All Evans Police Department officers shall be required to abide by the following code of ethics:

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

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

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

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

MISSION STATEMENT

Provide Public Safety For All

VALUES

Profesionalism

Respect

Integrity

Dedication

Excellence

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Evans Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER AUTHORITY

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

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE EVANS POLICE DEPARTMENT

The arrest authority within the jurisdiction of the City of Evans includes (CRS § 16-3-102):

- (a) In compliance with an arrest warrant.
- (b) When any crime is being, or has been, committed in a peace officer's presence.
- (c) When there is probable cause to believe that an offense was committed by the person to be arrested.

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE CITY OF EVANS

The arrest authority of officers outside the jurisdiction of the City of Evans 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 City of Evans 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.
- (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 will, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made (CRS § 16-3-110).

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Law Enforcement Authority

100.3 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 will 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).

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 POLICY

It is the policy of the Evans 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.

Oath of Office

101.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

101.2 POLICY

It is the policy of the Evans 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.

101.3 OATH OF OFFICE

All department members, when appropriate, will take and subscribe to the oaths or affirmations applicable to their positions. Prior to assuming the duties of a peace officer, certified members will 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).

101.3.1 CANON OF ETHICS

All Evans Police Department officers will be required to abide by a code or canon of ethics as adopted by the Department.

101.4 MAINTENANCE OF RECORDS

The oath of office will be filed in accordance with the established records retention schedule.

Policy Manual

102.1 PURPOSE AND SCOPE

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

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

102.2 POLICY

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

102.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Evans 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 Evans Police Department reserves the right to revise any policy content, in whole or in part.

102.3 AUTHORITY

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

102.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CCR - Code of Colorado Regulations.

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CFR - Code of Federal Regulations.

City - The City of Evans.

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

Department/EPD - The Evans Police Department.

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.

Manual - The Evans Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Evans Police Department, including:

- Full- and part-time employees
- Licensed, certified peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

Officer - Those employees, regardless of rank, who are POST-certified employees of the Evans 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.

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

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for 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.

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

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

USC - United States Code.

102.5 ISSUING THE POLICY MANUAL

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

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

102.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

102.7 REVISIONS TO POLICIES

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

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Chapter 2 - Organization and Administration

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 DIVISIONS

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

- Administration Division
- Operations Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the assigned Commander whose primary responsibility is to provide general management, direction and control for the Administration Division, including management of the Department budget and the designation of the Records Custodian. The Administration Division consists of the Property and Evidence Section, Records Unit, Community and School Resource Office, and the Investigations Unit.

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

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by the assigned Commander whose primary responsibility is to provide general management, direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol, the Traffic Unit and Special Operations.

200.3 COMMAND PROTOCOL

200.3.1 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 Commander to act in the place of the Chief of Police.

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 Commander
- (b) Administration Commander
- (c) Administrative Sergeant
- (d) Sergeant

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Organizational Structure and Responsibility

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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 will ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who will 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, will 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 will notify, in writing, the person issuing the original order, indicating the action taken and the reason.

Departmental Directive and Special Orders

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual, as required upon approval of the Chief of Police. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the revision date listed below.

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

201.1.2 SPECIAL ORDERS PROTOCOL

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

201.2 RESPONSIBILITIES

201.2.0 CHIEF OF POLICE

The Chief of Police or the authorized designee will issue all Departmental Directives and Special Orders.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVE

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

Emergency Management Plan

202.1 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.

202.2 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.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all members of the Evans 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.

202.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the plan are available in the Records office and the Sergeant's office. 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 Office of Emergency Management website.

202.4 UPDATING THE PLAN

The Chief of Police or the authorized designee will 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.

202.5 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.

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Emergency Management Plan

202.6 PLAN TRAINING

The Department will provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors including Master Officers should familiarize themselves with the Emergency Operations Plan and the roles police personnel will play when the plan is activated. When a supervisor reviews the Emergency Operations Plan the Training Sergeant will be notified and it will be documented in the supervisor's training file.

Training Policy

203.1 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.

203.1.1 PRE-APPOINTMENT TRAINING

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

203.2 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.

203.3 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.

203.4 TRAINING PLAN

It is the responsibility of the Training Sergeant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all employees. The plan will 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 will 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 non-sworn employees.

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Training Policy

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.

203.4.1 MANDATED TRAINING

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training (once depending upon position and rank)
- (b) State-mandated training:
 - 1. DNA evidence collection (CRS § 24-31-311) (once)
 - 2. Racial profiling (CRS § 24-31-309) (once)
 - 3. Basic CPR/First aid
 - 4. Eyewitness identification training (CRS § 16-1-109)
 - 5. Annual completion of any additional training required by POST (CRS § 24-31-315; CRS § 30-10-501.6)
- (c) Department-mandated training:
 - 1. Emergency Operations Plan (supervisors every two years)
 - 2. CPR/First aid refresher (every two years)
 - 3. Defensive driving (all certified employees yearly)
 - 4. Firearms training (all certified employees quarterly)
 - 5. Defensive tactics (all certified employees yearly)
 - 6. Impact weapon, chemical weapon or other less-lethal weapon (yearly)
 - 7. Use of force policies (all certified employees review yearly)
 - 8. Search, seizure, and arrest (all certified employees yearly)
 - 9. Use of body armor (all certified employees every two years)
 - 10. Ethics (all certified employees every three years)

203.5 TRAINING NEEDS ASSESSMENT

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

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Training Policy

203.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training will 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 choice vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee will:
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.

203.7 DAILY TRAINING BULLETINS

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

Personnel assigned to participate in DTBs will only use login credentials assigned to them by the Training Sergeant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and will 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 should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees will 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.

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Training Policy

203.8 TRAINING RECORDS

The Training Sergeant is responsible for the creation, filing and storage of all training records. Training records will be retained in compliance with the current records retention schedule.

203.9 FIELD TRAINING PROGRAM

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

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law. 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.

204.2 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 Department. 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.

204.3 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 the Chief of Police or a Commander. 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 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.

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Electronic Mail

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a record under the Colorado Criminal Justice Records Act (CRS § 24-72-301 et seq.) and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 MEMORANDUMS

Memorandums 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.

205.3 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence will 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. These may be from line employee to employee, supervisor to employee or any combination of employees.

205.4 SURVEYS

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

205.5 OTHER COMMUNICATIONS

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

Supervision Staffing Levels

206.1 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.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in scheduling at least an acting supervisor at on-duty all times on-duty. Sergeants will ensure the acting supervisor is designated during each shift, in addition to the Sergeant.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, Master or Senior Officer may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Operations Commander, an officer may act as the Sergeant for a limited period of time.

Line of Duty Death Procedures

209.1 LINE OF DUTY DEATH PROCEDURES

It is the policy of the Evans Police Department to provide liaison assistance to the immediate assistance to the immediate family and survivors of a member who dies in the line of duty. This will include tangible and emotional support during the traumatic period or readjustment. The assistance and support will be rendered in the most respectful and sympathetic manner consistent with the wishes and needs of the family.

The Chief of Police will assume the primary duties in carrying out the Department's liaison role in these situations. This policy will address the responsibilities of other personnel responding to the line of duty death incidents in key positions.

209.2 DEFINITIONS

Department Liaison Officer: Serve as a facilitator between the immediate family, survivors, and the Department. This individual will work closely with other members to ensure that the needs and requests of the family are fulfilled.

Family Support Advocate: A member of the Evans Police Department will serve as a long-term liaison for the surviving family. Victim Services will provide assistance in accordance with statute.

Hospital Liaison Officer: Includes their parents, siblings, spouse or common-law partner, fiancées, and other family living in the involved member's household.

Line-of-Duty Death: The death of a member, caused by felonious or accidental means, which occurs while performing police functions either on or off duty. Although it is anticipated that this member will be a sworn member, this policy may also be applicable to non-sworn members meeting the above criteria.

Notification Team: Includes the involved member's Command Officer, Victim Services Advocate, a Police Chaplain, and any other appropriate department member.

Survivors: Include the immediate family and significant others.

209.3 DEATH NOTIFICATIONS

The following procedures should be adhered to in cases of line-of-duty deaths and in cases of critically injured members with poor prognosis for survival. These procedures should be followed whenever possible, with the understanding that the wishes of the family take precedence over the desires of the Department. Members providing services and assistance to the immediate family and survivors will take all reasonable measures to accommodate their needs, wishes, and desires, but should not make promises that they are not sure can be met.

(a) The name of the deceased or critically injured member will not be released before the immediate family and survivors living in the area are notified. Notification to the immediate family should be made as soon as possible.

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Line of Duty Death Procedures

(b) The Notification Team will inform the immediate family of the member's condition. If the member has died, this information should be given to the survivors in a forthright and empathetic manner.

(c) If the members of the Notification Team are not readily available, a Commander, and/or on-duty Sergeant may make the notification, keeping in mind that notification should never be made by one member alone. If the opportunity exists to get the immediate family to the hospital before the member's death, transportation should be provided without delay.

(d) The Notification Team should be prepared to handle immediate childcare needs, should the family require it.

(e) Communication of information concerning the member and the incident will, whenever possible, be restricted to the telephone to avoid interception by the media or others. Should the media obtain the member's name prematurely; the ranking officer will request that the information be withheld until proper notification of survivors can be made.

(f) The Notification Team will solicit the identity of additional survivors who live outside the immediate area. When requested to do so by the immediate family, those parties will be notified by contacting the law enforcement agency in that jurisdiction and requesting that personal notification be made.

(g) Notification of survivors in the immediate area will be made in person and, whenever appropriate, with another person such as the Police Chaplain. Whenever the health of immediate family members is a concern, emergency medical services personnel will be requested to stand by in the area.

(h) When directed by the Chief of Police or designee, a uniformed officer in a marked patrol car will maintain security at the injured/deceased member's immediate family residence.

209.4 APPOINTMENT OF DEPARTMENT COORDINATION PERSONNEL

Designated department member(s) will begin serving in a number of capacities to aid family survivors. These assignments will be made in writing and the surviving family members will be informed of those designated. In addition, the Chief of Police or designee will:

(a) Make additional personnel assignments to assist in handling incoming phone calls and inquiries and direct the public to appropriate personnel.

(b) Ensure that the Employee Assistance Program is implemented to assist surviving family members and emphasize the right of the family to psychological services.

(c) Ensure that other officers are provided the opportunity to participate in critical incident debriefings with the assistance of additional psychological support, when appropriate.

209.5 HOSPITAL LIAISON OFFICER

As the Hospital Liaison Officer, the on-duty Commander or designee will assume the following responsibilities:

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Line of Duty Death Procedures

- (a) Arrange for a waiting area to accommodate immediate family and survivors and establish a separate press staging area. The desires of the surviving family members should be followed with regard to their accessibility.
- (b) Ensure that medical personnel will provide pertinent information regarding the member's condition to the immediate family before any other parties.
- (c) Assist the immediate family, according to their desires, in gaining access to the injured or deceased member.
- (d) Ensure that immediate family members are provided with appropriate assistance at the hospital.
- (e) Provide hospital personnel with all necessary information on billing for medical services. The Hospital Liaison Officer should direct all medical bills to be forwarded to the appropriate departmental authority and request that bills not be forwarded to the member's immediate family or other survivors.
- (f) Arrange transportation for the immediate family and survivors upon their departure from the hospital.

209.6 FAMILY SUPPORT ADVOCATE

The duties of the Family Support Advocate include:

- (a) Contact immediate family and survivors concerning criminal proceedings related to the death of their family member.
- (b) Accompany immediate family and survivors to criminal criminal proceedings, explain the nature of the proceedings and introduce them to prosecutors and other persons as required.
- (c) Identify all support services available to immediate family and survivors and work on their behalf to secure any services necessary.
- (d) Maintain routine contact with immediate family and survivors to provide companionship and emotional support. Maintain an ongoing relationship between the Department, the immediate family and survivors.
- (e) The Family Support Advocate will accompany immediate family member(s) for a one-time trip to the National Law Enforcement Officer's Memorial in Washington, D.C. on the occasion of the addition of the member's name to the monument.

Personnel Staffing Allocation

210.1 PERSONNEL STAFFING ALLOCATION

The Evans Police Department is dedicated to establishing department procedures that provide the highest levels of policing to the community. Through effective and efficient management of staffing, the department will ensure the proper allocation and distribution of personnel.

210.2 WORKLOAD ASSESSMENT SYSTEM

The workload assessment system should include an outline of calculations required and any source documents, factors, personnel and/or equipment necessary to accomplish the task. Workload assessment may be based on, but not limited to:

- The total personnel strength as authorized by the City of Evans City Council.
- The number of personnel, by rank or job title, within each organizational component, including civilians.
- The number of vacant positions, by rank or job title, within the agency to include calls for service and self-initiated field activity.
- Average time required to handle an incident at the patrol level.
- Calculation of the percent of time on the average, that should be available to the patrol officer for handling incidents during a specified period (such as a shift).
- Time lost through days off, holidays, and other leave, compared to the total time required for each patrol assignment.

210.3 WORKLOAD ASSESSMENT REPORT

A Workload Assessment Report will be conducted at the discretion and direction of the Chief of Police or designee.

Chapter 3 - General Operations

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. The foundation of this policy is built on present best practices and recommendations from the Colorado Association of Chief's of Police and the Police Executive Research Forum.

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 Serious Bodily Injury.

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

300.2 POLICY

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

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

The Evans 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

Any officer present who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstances will, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another officer use force that exceeds the degree of force permitted by law will promptly report these observations to a supervisor.

300.2.2 REPORTING

An officer who witnesses another peace officer using force in excess of that permitted pursuant to CRS § 18-8-802 must report, without undue delay, such use of force to a supervisor. Subsequent written notification will be submitted within 10 days of the occurrence and include the date, time

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and place of the occurrence, the identity, if known, and description of the participants, and a description of the events and the force used (CRS § 18-8-802(1)(b)).

300.3 USE OF FORCE

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

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

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the 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. However, officers are encouraged to employ the practice of de-escalation, tactical repositioning, or other accepted methods that may decrease the intensity of the situation to allow an outcome that does not result in the use of force so long as these methods do not create undue hazard to the officer(s) or by-standers.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

- (a) To effect an arrest or to prevent the escape from custody of an arrested person, unless he/she knows that the arrest is unauthorized.
- (b) To defend him/herself or a third person from what the officer reasonably believes to be the use, or imminent use, of physical force while effecting or attempting to effect the arrest of a suspect or while preventing or attempting to prevent the escape of a suspect

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

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300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling 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 will be discontinued once the officer determines that compliance has been achieved.

300.3.4

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 or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. A subject who is believed to have ingested a dangerous substance will receive appropriate medical attention.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

For the purpose of this policy, a moving vehicle alone will not **presumptively constitute** a threat that justifies an officer's use of deadly or potentially deadly force.

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An officer will not discharge a firearm from a moving vehicle, except in exigent circumstances warranting the immediate defense of life.

Officers should not discharge a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person by a means **other** than the vehicle. An officer in the path of an approaching vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.

Before using deadly force toward or from a moving vehicle, the following factors must be taken into consideration:

- Bullets fired at a moving vehicle are extremely unlikely to disable or stop a moving vehicle.
- Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other officers or innocent citizens.
- Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to an officer or other person.
- Moving to cover to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly force.

300.4.2 REASONABLE BELIEF

For purposes of this section, an officer reasonably believes a person may be in imminent threat of serious bodily injury if the officer has a reasonable basis to believe there is an imminent threat of bodily injury which, either at the time of the actual injury or at a later time, involves 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 second or third degree burns (CRS § 18-1-901).

300.4.3 CHOKEHOLDS

Unless deadly force is justified, a member will not apply pressure to a person's neck that is sufficient to make breathing difficult or impossible, including, but not limited to, any pressure to the throat or windpipe that may prevent or hinder breathing or reduce intake of air (chokehold) (CRS § 18-1-707).

300.5 REPORTING THE USE OF FORCE

Any use of force by an officer of this department will be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. 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. Any time the use of deadly force is used the 19th Judicial District Critical Incident Response Team will be immediately notified.

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300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification will 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 an 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 struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

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

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

The on-duty supervisor or, if the on-duty supervisor is not available, the primary handling officer will 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 will include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

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medical emergency should request medical assistance as soon as practicable and have medical personnel stage in the area if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

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) 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. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the Chain of Command.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate

In the event 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.

300.7.1 SERGEANT RESPONSIBILITY

The Sergeant will review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. Any training issues will be reported to the Operations Commander and the Training Sergeant in written memorandum format.

300.8 TRAINING

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

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300.9 USE OF FORCE ANALYSIS

At least annually, the Operations Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is visibly 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.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are visibly pregnant should be restrained in the least restrictive manner that is effective for officer safety. Prisoners restrained by the use of leg irons, waist chains or handcuffs behind the body should be done so in a manner so as to minimize strain on their stomach and shoulders. The officer will also escort the prisoner where they can prevent the prisoner from falling.

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Handcuffing and Restraints

No person who is in labor will be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

302.3.3 RESTRAINT OF JUVENILES

A juvenile should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer will inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.4 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.

Officers who have placed a person under arrest will, absent unusual or extraordinary circumstances handcuff the person's hand's behind their back.

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.

302.5 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

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distorted vision on the part of the individual. Officers should avoid commingling 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 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.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. 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.

302.7 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 will 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).

302.7.1 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 will be notified as soon as practicable after the application of the leg restraint device.

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- (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.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and will 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).

302.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer will 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 will 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.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

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

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

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

303.4 RESPONSIBILITIES

303.4.1 SUPERVISOR RESPONSIBILITIES

The supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 INSTRUCTOR RESPONSIBILITIES

The assigned Instructor will control the inventory and issuance of all control devices and will ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the designated instructor for a particular control device. The inspection will be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning will remain the responsibility of member's using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, will be returned to the member's supervisor who will notify the designated Instructor for disposition. Damage to City property will be documented via memo and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 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.

When carrying a baton, uniformed personnel will carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray 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.

303.6.1 OC SPRAY

Uniformed personnel carrying OC spray will carry the device in its 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.

303.6.2 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.

303.7 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.

303.7.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions will be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

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Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.7.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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303.7.3 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 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. When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer will visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

303.8 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training will be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Electrical Weapon

304.1 PURPOSE AND SCOPE

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

304.2 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 members and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Members will only use the TASER device and cartridges that have been issued by the Department. Uniformed Members who have been issued the TASER device will wear the device in an approved holster on their person. Non-uniformed Members may secure the TASER device in the locked driver's compartment of their vehicle.

Members carrying the TASER device will perform a spark test on the unit prior to every shift.

While in uniform, Members will carry the TASER device in a weak-side holster on the side opposite the duty weapon unless it is carried in a thigh holster in which case it may be carried on the strong side, it may be carried in any location on a load bearing vest.

- (a) When carrying the TASER device members should keep the TASER loaded with one Close Quarter and one Stand Off cartridge keeping a spare of each on their person.
- (b) Members will be responsible for insuring that their issued TASER device is properly maintained and in good working order.
- (c) Members should not hold both a firearm and the TASER device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of other members or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other members and individuals with a warning that the TASER device may be deployed

If, after a verbal warning, an individual is unwilling to voluntarily comply with a member's lawful orders and it appears both reasonable and feasible under the circumstances members may

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use the "Arc Warning" function or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given will be documented by the member deploying the TASER device in the related report.

304.5 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, members should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the members 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 members, him/herself or others.

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

304.5.2 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 member, the subject or others, and the member 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 capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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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 members and the subject, thereby giving members time and distance to consider other force options or actions.

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

304.5.3 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 member to limit the application of the TASER device probes to a precise target area, members 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.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Members 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 member 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 member should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.
- (d) No more than three applications of electrical charge should be employed against an individual

Members should generally not intentionally apply more than one TASER device at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Members will notify a supervisor of all TASER device discharges. The expended cartridge, along with both probes and wire, will be collected and submitted into evidence. The cartridge serial number will be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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304.5.6 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.

304.5.7 OFF-DUTY CONSIDERATIONS

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

Member will 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.

304.6 DOCUMENTATION

Members will document all TASER device discharges in the related arrest/crime report and the Smart Force Response to Resistance section. Notification will also be made to a Supervisor in compliance with the Use of Force Policy. Unintentional discharges will be immediately reported to the on duty supervisor. Members will also, without undo delay, download the data from their Taser to Evidence.com and label the generated deployment log with the case number where the Taser was deployed.

304.6.1 TASER DEVICE DEPLOYMENT DOCUMENTATION REQUIREMENTS

Items that will be included in the Response to Resistance report and/or incident report are:

- (a) The type and brand of TASER device and serial numbers of the device and cartridge(s).
- (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) Description of where missed probes went.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any member sustained any injuries.

The Operations Commander will, on an annual basis analyze the report forms to identify trends, including deterrence and effectiveness. The designated Instructor should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

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304.6.2 REPORTS

The member will 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

304.7 MEDICAL TREATMENT

Consistent with their training Members may remove the Taser probes from a person's body unless the probes hit a sensitive body area listed in subsection (d) of this policy. Used TASER device probes will 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 will be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories will, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (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) will 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 member and/or medical personnel and will 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.

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

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

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A supervisor will review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the member, the member's supervisor, or Instructor and saved in Evidence.com along with the body worn camera footage pertaining to that incident along with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the TASER device will be permitted to do so only after successfully completing the initial department approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more will be recertified by department-approved TASER device instructors prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of Member's knowledge and/or practical skill may be required at any time if deemed appropriate by the Instructor, Operations Commander, or Chief of Police. All training and proficiency for TASER devices will be documented in the Members's training file.

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

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

The Training Sergeant is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification. Should a member volunteer to be exposed to an application of the TASER device, the application will be done by a certified TASER Instructor only.

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. Department members carrying a TASER device in a thigh holster will practice drawing and firing from their strong side.
- (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.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which an officer discharges his/her firearm at another person, or 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 or while in an officer's custody.

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.

305.2 POLICY

The policy of the Evans Police Department is to ensure that officer-involved shootings and in-custody deaths are investigated in a thorough, fair and impartial manner. This policy does not differentiate if an officer discharges their firearm at an individual and misses or hits them causing injury. Regardless of the outcome from the officer discharging their firearm at an individual the incident will be investigated in the same manner.

305.3 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.

305.4 CONTROL OF INVESTIGATIONS

Investigators from the 19th Judicial District Critical Incident Response Team will be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect will be conducted by the 19th Judicial District Critical Incident Response Team as part of their investigation into the overall incident.

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305.4.2 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 19th Judicial District Critical Incident Response Team protocols. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

305.4.3 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.

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved officer from the Evans Police Department 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.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved EPD 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 EPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information will 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.

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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 Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional EPD members until properly relieved by another supervisor or other assigned personnel or Investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved EPD officer should be given an administrative order not to discuss the incident with other involved officers or EPD 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.

305.5.3 SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the on duty Sergeant will be responsible for coordinating all aspects of the incident until relieved by the Chief of Police, Commander, or an authorized representative of the 19th Judicial Critical Incident Response Team

All outside inquiries about the incident will be directed to the assigned Team Coordinator for the 19th Judicial Critical Incident Response Team.

305.5.4 NOTIFICATIONS

The following persons will be notified as soon as practicable:

- Chief of Police
- Investigations Commander
- 19th Judicial Critical Incident Response Team
- Internal Affairs Unit supervisor
- Psychological/peer support personnel
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.5 INVOLVED OFFICERS

The following will be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
 1. Involved EPD officers will not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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2. Requests from involved non-EPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) A licensed psychotherapist will be provided by the Department to each involved EPD officer. A licensed psychotherapist may also be provided to any other affected EPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (d) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved EPD officer will be given reasonable paid administrative leave following an officer-involved shooting or death. It will be the responsibility of the Operations Commander to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The 19th Judicial Critical Incident Response Team is responsible for the criminal investigation into the circumstances of any officer-involved shooting or the death of an individual who is in police custody.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office 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 will be considered for the involved officer:

- (a) EPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of EPD 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 with an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers will not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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- (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.

305.6.1 REPORTS BY INVOLVED EPD OFFICERS

Officers directly involved in an incident will not complete a written report. In the event that suspects remain outstanding or are subject to prosecution for related offenses, this department will retain the authority to require involved EPD officers to provide sufficient information for related criminal reports, to be completed by an Investigator, in order to facilitate the apprehension and prosecution of those individuals.

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

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.

305.6.2 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, 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.

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- (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.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it will be the responsibility of the designated Investigations Supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department Investigators will be assigned to work with Investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations Supervisor for approval. Privileged reports will be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Commander.

305.6.4 MULTI-AGENCY INVESTIGATION

Officer-involved shootings will be investigated by the 19th Judicial Critical Incident Response Team. The Chief of Police or the authorized designee will ensure this protocol is posted on the Evans Police Department website and is available to the public upon request (CRS §16-2.5-301).

305.7 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 EPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

Interviews of members will 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 will 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 will be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

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- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator will 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. Administrative interviews will be recorded by the investigator. The officer may also record the interview.
 3. The officer will be informed of the nature of the investigation. Prior to the start of the interview the officer will be advised of their Garrity Rights and will be ordered to provide full and truthful answers to all questions.
 4. The Internal Affairs Unit will compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 5. Regardless of whether the use of force is an issue in the case, the completed administrative investigation will be submitted to the Chief of Police, who will restrict the findings as to whether there was compliance with the Use of Force Policy.
 6. Any other indications of potential policy violations will be determined in accordance with standard disciplinary procedures.

305.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death will not be permitted to review available 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 will not be permitted to review available, body-worn camera video, or other video or audio recordings without the approval of assigned investigators or a Supervisor.

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

305.9 DEBRIEFING

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

305.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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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 will 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 will be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel.

305.9.2 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.

305.10 MEDIA RELATIONS

Any media release will be prepared with input and concurrence from the Supervisor, Chief of Police or designee, and a representative from the 19th Judicial District Critical Incident Response Team responsible for each phase of the investigation. Releases will be available to the Sergeant, Investigations Commander and Public Information Officer in the event of inquiries from the media.

No involved EPD officer will make any comment to the media unless he/she is authorized by the Chief of Police or a Commander.

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

305.11 REPORTING

The Records Custodian, with the assistance of the Investigations Commander, will report the data required by CRS § 24-33.5-517 regarding officer-involved shootings to the Colorado Department of Public Safety as required.

Firearms

307.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing 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 firearms 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.

307.1.1 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).

307.2 POLICY

The Evans Police Department will equip its members with patrol rifles to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure department issued firearms are appropriate and in good working order and that relevant training is provided as resources allow. Members are authorized to carry only department approved sidearms and patrol rifles.

307.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members will only use firearms that are issued or approved by the Department and have been thoroughly inspected by a certified Armorer or Gunsmith. Except in an emergency or as directed by a supervisor, no firearm will be carried by a member who has not qualified with that firearm at an authorized department range.

All firearms will be either Black or Silver/Stainless in color. The firearm may not be cosmetically altered from factory specifications by adding engravings, additional colors, designs, etc without the permission of the Chief of Police or designee. Likewise no firearm part or accessory may display any type of picture, phrase, or statement other than the producing factory's logo or emblem without the permission of the Chief of Police or designee.

All other weapons not provided by the Department, including, but not limited to, 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 Commander.

307.3.1 PATROL RIFLES

The department will issue patrol rifles which adhere to the approved list of firearms maintained by the Master Firearms Instructor. Personally owned rifles must be on the approved list maintained by the Master Firearms Instructor and must be chambered in .223 Remington or 5.56 NATO. The rifle will have a fixed or collapsible stock, folding stocks are not authorized. The rifle may be

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equipped with a sound suppressor that is Black in color and reduces the the sound of a discharge to no more than 135 decibels. The rifle must securely fit in the gun lock in the cabin of the officer's assigned patrol car. An approved list of sound suppressors will be maintained by the Master Firearms Instructor.

Members may deploy the patrol rifle in any circumstance where the member 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 member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member 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.

Officers carrying personally owned rifles that are subject to the National Firearms Act of 1986 (barrel length shorter than 16" or equipped with a sound suppressor) will provide a copy of their Federal Excise Tax form to a Firearms Instructor to be placed in their firearms file.

307.3.2 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must ensure it is on the approve list maintained by the Master Firearms Instructor. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm will be in good working order and on the department list of approved firearms.
- (b) The firearm will be inspected by the Department Armorer prior to being carried and thereafter will be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members will qualify under range supervision and thereafter will qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members will provide notice of the make, model, color, serial number and caliber of the firearm to a Firearms Instructor, who will maintain a list of the information.

307.3.3 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

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- (a) The handgun will be in good working order and on the department list of approved firearms.
- (b) The purchase of the handgun and ammunition will be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (c) The handgun will be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The handgun will be inspected by the Firearms Instructor prior to being carried and thereafter will be subject to inspection whenever it is deemed necessary.
- (e) Ammunition will be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee will approve the ammunition.
- (f) Prior to carrying the secondary handgun, members will qualify under range supervision and thereafter will qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (g) Members will provide written notice of the make, model, color, serial number and caliber of a secondary handgun to a Firearms Instructor, who will maintain a list of the information.

307.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm will be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition will be the responsibility of the member.
- (b) The firearm will be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to a Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm will be subject to periodic inspection by the Firearms Instructor.
- (d) Prior to carrying any off-duty firearm, the member will demonstrate to a Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members will provide written notice of the make, model, color, serial number and caliber of the firearm to a Firearms Instructor, who will maintain a list of the information.

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- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members will only carry department-authorized ammunition.
- (i) When armed, officers will carry their badges and Evans Police Department identification cards under circumstances requiring possession of such identification.

307.3.5 AMMUNITION

Members will carry only department-issued ammunition in their duty weapon. Members will be issued fresh duty ammunition in the specified quantity for all department authorized firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department will be dispensed by a Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned off-duty or back-up firearms may be required to purchase their own ammunition which must be authorized by the Master Firearms Instructor.

307.4 EQUIPMENT

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

307.4.1 REPAIRS AND MODIFICATIONS

Each member will be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Instructor.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Instructor.

Any repairs or modifications to the member's personally owned firearm will be done at his/her expense and must be approved by a Firearms Instructor.

307.4.2 HOLSTERS

Only department-approved duty holsters will be used and worn by members. Members will periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

307.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by a Firearms Instructor. Once the approved tactical lights have been properly installed on any firearm, the member will qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Weapon mounted lights with activation switches that mount directly below the trigger of the firearm are prohibited.

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307.4.4 OPTICS, MAGNIFIERS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by a Firearms Instructor. Any approved sight will only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member will qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Weapon mounted laser sighting devices with the activation switch mounted directly below the trigger of the firearm are prohibited.

Magnifiers with a power of no more than 3x are authorized and must be approved by a Firearms Instructor and must be from an approved manufacturer. The magnifier will be mounted to the weapon with a flip to the side mount and must flip to the right for right handed shooters and to the left for left handed shooters.

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

307.5 SAFE HANDLING, INSPECTION AND STORAGE

Members will maintain the highest level of safety when handling firearms and will consider the following:

- (a) Members will not unnecessarily display or handle any firearm.
- (b) Members will be governed by all rules and regulations pertaining to the use of the range and will obey all orders issued by a Firearms Instructor. Members will not dry fire or practice quick draws except as instructed by a Firearms Instructor or other firearms training staff.
- (c) Members will not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room will be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members will not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one will carry firearms into the jail section or any part thereof when securing or processing an arrestee, but will place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members will 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.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair will not be carried. It will be promptly presented to the Armorer or a Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by a Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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307.5.1 INSPECTION AND STORAGE

Handguns will be inspected by a certified Armorer or Gunsmith at times to be determined by the Master Firearms Instructor. Less-lethal shotguns and patrol rifles will be inspected at the beginning of the shift by the member to whom the weapon is issued. The member will ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the less-lethal shotgun and patrol rifle will be done while standing outside of the patrol vehicle. All firearms will be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms will be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles will be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

307.5.2 STORAGE AT HOME

Members will ensure that all firearms and ammunition are locked and 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. Members will not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

307.5.3 ALCOHOL AND DRUGS

Firearms will not be carried by any member, either on- 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 member's senses or judgment.

307.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify quarterly with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member will submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt will be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

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- (b) Members will be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

307.6.2 QUALIFICATION STANDARDS

The qualification standards, including the score required for qualification, target type, timing, distance and other conditions, are noted in an attachment to this policy. In addition to the range course qualification, members must achieve a passing score on any written tests based on the training provided.

307.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, will make a verbal report to his/her supervisor as soon as circumstances permit. 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 member will 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 member will file a written report with his/her Commander 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 will be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

307.7.1 DESTRUCTION OF ANIMALS

Members 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 local law enforcement officers or other individuals in imminent danger, in addition to animal behaviors that do not reasonably suggest or pose an imminent danger.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy will prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

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Subject to safety concerns or other exigent circumstances, officers should consider alternatives to the use of firearms. Such alternatives include using the officer's TASER device or allowing the owner to control or remove the animal from the immediate area.

307.7.2 INJURED ANIMALS

Officers may euthanize an animal when, in his/her judgment and/or 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 case of livestock and domestic animals, and in the event a licensed veterinarian is not available, an 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).

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). Should a injured wildlife animal be put down the officer will notify the Colorado Department of Wildlife via the Weld County Communications Center.

307.7.3 WARNING AND OTHER SHOTS

Warning shots are not permitted, unless in exceptional cases where no lesser degree of force would be effective or practical and the firing of a warning shot is the only alternative to the use of deadly force. Warning shots will not be fired when such discharge would pose a danger to any person.

307.7.4 NEGLIGENT DISCHARGE

If firearm discharge is the result of negligence, the involved officer will undergo remedial firearms training and qualification as determined by the Firearms Instructor.

307.8 FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Firearms Instructors. All members attending will follow the directions of the Firearms Instructors. The Firearms Instructors will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date.

The range will remain operational and accessible to department members during hours established by the Department.

The Firearms Instructors have the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Firearms Instructors have the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Firearms Instructors.

The Firearms Instructors have the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

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The Firearms Instructors will complete and submit to the Training Sergeant documentation of the training courses provided. Documentation will include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Firearms Instructors should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant .

307.9 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 Evans 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 Evans Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Evans 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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Firearms

- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers will not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft if armed.

307.10 TRAINING

In addition to general training regarding the use of firearms, the Training Sergeant will 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.

307.10.1 ADDITIONAL REQUIREMENTS

Before being authorized to carry any firearm, members will be given access to and receive training on this policy and the Use of Force Policy. Each member will acknowledge that he/she has been provided access to and has had the opportunity to review and understand both policies.

307.10 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 will carry his/her Evans 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 law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

308.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following 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 vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

308.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

308.3 OFFICER RESPONSIBILITIES

Vehicle pursuits will only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law (CRS § 42-4-213).

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Officers will drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property:

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit (CRS § 42-4-108(2)(c)).
- (c) Disregard regulations governing direction of movement or turning in specified directions.

308.3.1 WHEN TO INITIATE A PURSUIT

Police Officers are authorized to engage in police vehicle pursuits only when they reasonably believe that the suspect, if not apprehended immediately, would create a real and substantial risk of another person being killed or seriously injured. This threat may be demonstrated when the officer reasonably believes that the suspect has recently committed a felony involving the use or threatened use of potentially deadly force, other than solely by the act of fleeing, or the suspect is attempting to escape or elude police by threatening to use or actually using potentially deadly force. The sole act of swerving a vehicle at an officer may not constitute justification for a pursuit. The circumstances of the incident and actions of the driver must be individually weighed to determine if a pursuit is justified.

Factors that will be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (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 (CRS § 42-4-108).
- (c) 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.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

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- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport.

308.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated 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.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate 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 addition to the factors that govern when to initiate a pursuit, other factors should be considered when deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle 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 pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

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- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are prohibited.

308.4 PURSUIT UNITS

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department vehicles (two units and a supervisor). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles 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 number of suspects. All other officers will 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 pursuit termination point at legal speeds, following the appropriate rules of the road.

308.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit (CRS § 42-4-213). Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles .

308.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close enough to the suspect'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 dispatcher, 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 location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.

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- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary pursuing officer, the officer in the primary pursuit vehicle will be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

308.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and 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 pursuit vehicle or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the subject has been stopped.

308.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (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 unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 1. Available officers 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 officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

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1. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 2. Request other officers to observe exits available to the suspect.
- (d) Notify the Colorado State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

308.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

308.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved 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. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

308.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The on duty field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is 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.

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- (d) Ensuring that no more than the required law enforcement vehicles 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 assistance from canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Commander is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Evans Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

308.6.1 COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and will be in overall command.

The Commander will review all pertinent reports for content and forward them to the Chief of Police.

308.7 DISPATCH

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 dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

308.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

308.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

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Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

308.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Evans Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department will be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

308.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit will be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Evans Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Sergeant should review a request for assistance from another agency. The Sergeant or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

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Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers will provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

308.9.3 OTHER CONSIDERATIONS

Assistance to an outside pursuing agency by officers from this department will be provided in accordance with the "Weld County Inter-Agency Procedures for Multi-Jurisdictional Vehicular Pursuit", (hyperlink available at the end of this policy).

308.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, ramming or roadblock procedures.

308.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer will seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

308.10.2 USE OF FIREARMS

An officer will not discharge a firearm from a moving vehicle, except in exigent circumstances warranting the immediate defense of life.

Officers should not discharge a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person by means **other** than the vehicle. An officer in the path of an approaching vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.

Before using deadly force toward or from a moving vehicle, the following factors must be taken into consideration:

- Bullets fired at a moving vehicle are extremely unlikely to disable or stop a moving vehicle.
- Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other officers or innocent civilians.
- Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to an officer or other person.

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- Moving to cover to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly force.

308.10.3 INTERVENTION STANDARDS

Any 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 policies guiding such use. Officers will consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
 4. The suspect vehicle is stopped or traveling at a low speed.
 5. Only law enforcement vehicles should be used in this tactic.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (c) Boxing-in a suspect vehicle should only be attempted upon approval by a Supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, 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

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vehicle. Officers and Supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

- (d) Tire deflation devices should be deployed by properly trained personnel only after notification of pursuing officers and the Supervisor of the intent and location of the intended deployment, and in a manner that:
 - 1. Should reasonably only affect the pursued vehicle.
 - 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 - 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 - 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (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 generally discouraged and should not be deployed without prior approval of a Supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

308.11 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 will 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.

Unless relieved by a supervisor, the primary pursuing 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 for setting up perimeters or for containing and capturing the suspect.

308.12 REPORTING REQUIREMENTS

The on duty supervisor will be responsible for gathering all reports, completing a preliminary review, making an initial recommendation and forwarding the reports to the next level for review. Every subsequent level in the review process will examine the reports for accuracy, completeness and the prior reviewer's recommendations.

If the on duty supervisor becomes involved in the pursuit, as the primary or secondary vehicle, the Operations Commander will assume the responsibilities to complete the review process. The Operations Commander may designate a non-involved Supervisor to complete the review process.

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Upon termination of the pursuit, the on duty supervisor will determine what reports are to be completed by participating officers. In all pursuit cases in which the department actively participated, regardless of the outcome, an offense report will be initiated, documenting the offense(s) and justification for the pursuit. All officers directly involved in the pursuit, to include paralleling activities are required to document their actions in a supplemental report. In the event the incident involved the use of potentially deadly force to include the forcible termination of a pursuit, a second supervisor will investigate the use of force in accordance with EPD Policy 300, Use of Force.

On all pursuits, the on duty supervisor will complete, at a minimum, a supplemental report, Police Vehicle Pursuit Summary Report (EPD 001) and a memorandum. The memorandum will detail the extent of the investigation. The on duty supervisor is responsible for initiating the Vehicle Pursuit Command Review (EPD 002) and forwarding the reports through the Pursuit Review chain:

- a) Immediate supervisor
- b) Operations Commander
- c) Chief of Police

After completing the review process, the reports will be forwarded to the Operations Commander for archiving. Annually, all pursuits will be reviewed by the Operations Commander to identify training needs.

This Department adheres to Weld County Inter-Agency Vehicular Pursuit Procedures. The current inter-agency agreement is attached to this policy.

308.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, 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. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

308.14 WELD COUNTY INTER-AGENCY PROCEDURES FOR MULTI-JURISDICTIONAL VEHICULAR PURSUIT 2014

[See attachment: pursuit.pdf](#)

Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

309.2 RESPONSE TO CALLS

Officers responding to any call will proceed with due regard for the safety of all persons and property.

Officers not responding to a call as an emergency response will observe all traffic laws and proceed without the use of emergency lights and siren.

Officers responding to a call as an emergency response will continuously operate emergency lighting equipment and will sound the siren as reasonably necessary (CRS § 42-4-108(3) and CRS § 42-4-213).

Responding with emergency lights and siren does not relieve the 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. Examples of such circumstances may include:

- An officer who 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 or 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.

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309.3 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 require

Where a situation has stabilized and emergency response is not required, the requesting officer will promptly notify Dispatch.

309.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The on duty Sergeant or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

309.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer will immediately notify Dispatch and will immediately give the location from which he/she is responding.

The Sergeant or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

309.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

Officers will exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response officers may (CRS § 42-4-108(2)):

- (a) Disregard regulations governing parking or standing when using a warning lamp.
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed any speed limits provided this does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in specified directions.

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

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without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer will also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, an officer will 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 Dispatch of their determination. Any subsequent change in the appropriate response level should be communicated to Dispatch by the officer in charge of the scene unless a supervisor assumes this responsibility.

309.5.1 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 will 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 will cease if the circumstances no longer warrant such a response.

309.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the on duty Sergeant or the field supervisor will 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 will, 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

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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 Sergeant 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

309.7 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 will notify the Sergeant, field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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311.1 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.

311.1.1 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.

311.2 POLICY

The Evans Police Department's response to incidents of domestic violence and violations of related court orders will stress enforcement of the law to protect the victim and will 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.

311.3 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.

311.4 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 Evans Police Department 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. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.
 - 6. Use of drugs or alcohol by either party.
 - 7. Denial that the abuse occurred where evidence indicates otherwise.
 - 8. A request by the victim not to arrest the suspect.
 - 9. Location of the incident (public/private).
 - 10. Speculation that the complainant may not follow through with the prosecution.
 - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

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311.4.1 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 by filling out a jail notification form and providing the victim with a "VINE" form.
- (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.
- (d) Advise the victim the suspect will have a bond hearing the day following their arrest.

311.4.2 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, Victim Assistance Unit).
- (b) Document the resolution in a report and notify the victim of the status of the case.

311.5 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.

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- (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. Notify the Department of Social Services if children or dependant adults were involved
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.
- (i) Provide the victim with a VRA pamphlet unless a dual arrest is made

311.6 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 will 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 will be enforced, regardless of whether the order has been properly registered with this state.

311.7 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.

311.8 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

311.8.1 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 will 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 will 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 will 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 will be made (CRS § 18-6-803.5). If the circumstances make arrest impractical, the officer will 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 will make all reasonable efforts to contact the protected party to notify him/her of such arrest (CRS § 18-6-803.5).

311.8.2 REPORTS AND RECORDS

The Records Custodian will maintain records on the number of domestic violence-related calls reported to the Evans 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 Evans Police Department for violating a court order, the Records Custodian will 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 agency will 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 will 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 Evans Police Department for violating or attempting to violate a protection order, the Records Custodian will forward the incident report to 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.

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(CRS § 18-6-803.5). The Records Custodian will forward a copy of the report and all associated supplemental reports to the Victim Assistance Unit.

311.8.3 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 will contact the Weld County Sheriff's Office to serve the person with a copy of the order (CRS § 13-14-107).

311.9 VICTIM NOTIFICATION

If an arrest warrant has been issued for a Domestic Violence case investigated by the Evans Police Department and the suspect is arrested as a result of that warrant an officer will notify the victim in the case without undo delay. All attempts to notify the victim will be documented in a supplemental report to the original case.

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 Evans Police Department members to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Evans 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 public safety concerns
- Vehicle searches under certain circumstances
- Exigent circumstances
- Plain View

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.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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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 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)
- 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 will review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and Department policy have been met.

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 Evans Police Department (42 USC § 5633).

313.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. Juvenile non-offenders include a juvenile taken into protective custody for being intoxicated or incapacitated by alcohol or drugs 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)).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

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

313.2 POLICY

The Evans 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 Evans Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

313.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Evans Police Department. These include:

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- (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 will 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.

313.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Evans Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Evans Police Department without authorization of the arresting officer's supervisor or the Sergeant. Juveniles taken into custody will be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody will be released to the care of the juvenile's parent or other responsible adult, transferred to a juvenile custody facility, Youth and Family Connections, or to other authority as soon as practicable. In no event will a juvenile be held beyond six hours from the time of his/her entry into the Evans Police Department (42 USC § 5633).

313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Evans 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 (42 USC § 5633).

313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation, promise to appear, or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if

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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 (42 USC § 5633).

313.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Evans Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

313.4.4 REQUIREMENTS FOR CUSTODY OF JUVENILE OFFENDERS

A juvenile offender may be taken into temporary custody (CRS § 19-2-502):

- (a) When there are reasonable grounds to believe that he/she has committed a violation of a statute, ordinance or court order that would subject an adult to an arrest.
- (b) Pursuant to a lawful warrant issued by a court pursuant to CRS § 19-2-503.

A juvenile offender will 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 will be released to the care of the juvenile's parents or other responsible adult unless a determination is made in accordance with CRS § 19-2-507(2) that the juvenile's immediate welfare or the protection of the community requires that the juvenile be detained.

If the juvenile is not released to the care of his/her parents or other responsible adult, the juvenile will be taken directly to the court, a detention facility or a shelter designated by the court, without unnecessary delay (CRS § 19-2-507(4)).

As an alternative to taking a juvenile offender to a detention facility or shelter, an officer may, if authorized by policy of the court, serve a written promise to appear for juvenile proceedings upon the juvenile and the juvenile's parent, guardian or legal custodian (CRS § 19-2-507(5)).

When a juvenile is not released pending charges, the officer will notify the screening team for the judicial district in which the juvenile was taken into custody (CRS § 19-2-507(1)).

313.4.5 PETTY OFFENSE TICKETS

Offenders 10 years of age or older who have committed an offense that would be a petty offense or municipal ordinance violation if committed by an adult may be issued a petty offense ticket. The Evans Police Department will maintain annual data on the petty offense tickets issued, including the age, ethnicity and gender of each juvenile ticketed and the disposition of each ticket (CRS § 19-2-302.5).

313.5 ADVISEMENTS

The screening team for the judicial district generally notifies the juvenile's parent, guardian or legal custodian that, if the juvenile is placed in detention or a temporary holding facility, all parties have a right to a prompt hearing to determine whether the juvenile is to be further detained. The

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notification may be made to a person with whom the juvenile is residing if a parent, guardian or legal custodian cannot be located. If the screening team is unable to make the notification, officers may make it (CRS § 19-2-507).

313.5.1 REPORTING

The School Resource Officer will 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 will 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 Evans 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 Evans Police Department.

313.6 NO-CONTACT REQUIREMENTS

Sight and sound separation will be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Evans Police Department will maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts will be taken to end the contact.

313.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Evans Police Department will ensure the following:

- (a) The Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Evans Police Department more than four hours. This will enable the Sergeant to ensure no juvenile is held at the Evans Police Department more than six hours.
- (b) A staff member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

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- (c) There will be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an officer should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) Juveniles will have reasonable access to toilets and wash basins.
- (e) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (f) Juveniles will have reasonable access to a drinking fountain or water.
- (g) Juveniles will have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (h) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (i) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (j) Blankets should be provided as reasonably necessary.
- (k) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (l) Juveniles will have adequate furnishings, including suitable chairs or benches.
- (m) Juveniles will have the right to the same number of telephone calls as an adult in custody.
- (n) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

313.8 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 Evans 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.

Other restraints will only be used after less restrictive measures have failed and with the approval of the Sergeant. Restraints will only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints will be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

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313.8.1 PREGNANT JUVENILES

Juveniles who are visibly pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

313.9 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Evans Police Department will ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Evans Police Department.

313.10 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Sergeant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Evans Police Department. The procedures will address:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the on-duty supervisor, Chief of Police, Investigations Supervisor, and the 19th Judicial Critical Incident Response Team.
- (c) Notification of the parent, guardian or person standing in loco parentis of the juvenile.
- (d) Evidence preservation.

313.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

In any case where a juvenile is taken into temporary custody, officers should not attempt to interview or interrogate a juvenile offender or status offender unless either of the following occurs:

- (a) A public defender or other counsel representing the juvenile is present.
- (b) A parent, guardian, or legal or physical custodian of the juvenile is present and the juvenile and his/her parent, guardian, or legal or physical custodian are advised of the following:
 - 1. The juvenile's right to remain silent
 - 2. That any statements made may be used against him/her in a court of law
 - 3. The juvenile's right to the presence of an attorney during the interrogation
 - 4. The juvenile's right to have counsel appointed if he/she so requests at the time of the interrogation (CRS § 19-2-511)

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5. Once the juvenile has been advised of their rights they will be given an appropriate amount of time to consult, privately, with their attorney, parent, or guardian prior to being asked if they wished to make a statement.

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. Any juvenile taken into custody for a criminal offense will be fingerprinted and photographed.

313.13 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

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 Evans 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 Evans 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, guardian, 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, 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 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 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, 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 Evans Police Department will notify the county department of social services when the member observes or has reasonable cause to believe that an at-risk adult has been abused or is at imminent risk of abuse (CRS § 26-3.1-102).

For purposes of notification, abuse includes subjecting an at-risk adult to non-accidental infliction of physical pain or injury, unreasonable confinement or restraint, or sexual conduct or contact (CRS § 26-3.1-101). The term may also include mistreatment, exploitation and caretaker neglect or self-neglect as provided in CRS § 26-3.1-101. At-risk adult means any person who is age 18 or older and who is susceptible to abuse due to the person's inability to care for him/herself or due to diminished capacity (CRS § 26-3.1-101; CRS § 18-6.5-108).

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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 using the county department of social services intake telephone number within 24 hours and will include when known or available (CRS § 26-3.1-102):

- (a) The name, address and age of the adult victim.
- (b) The name and address of the adult's caretaker, if any.
- (c) The nature and extent of any injuries.
- (d) 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) Present all cases of alleged adult abuse to the prosecutor for review.
- (c) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (d) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (e) 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 Investigations Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the county department of social services, other law enforcement agencies, medical 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 Investigations Supervisor 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.

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- (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 adult.

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 and the checklist or form developed for this purpose.
- (b) Notify the Investigations Supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

314.10.1 RECORDS RESPONSIBILITIES

The Records is responsible for (CRS § 26-3.1-102; CRS § 18-6.5-108):

- (a) Providing a copy of the adult abuse report to the county department of human or social services and the District Attorney's Office within 24 hours of the completion of the written report.
- (b) When the victim is age 70 or older, providing a copy of an investigative summary report to the county department of human or social services where the victim resides and to the District Attorney's Office where the abuse or exploitation occurred.
- (c) 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 will 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 will 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.

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

315.2 POLICY

The Evans 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 DISCRIMINATION PROHIBITED

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 race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications 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, 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 the department's commitment to a discrimination free work environment.

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

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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.

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Colorado Civil Rights Division.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.4 RESPONSIBILITIES

This policy applies to all department members. All members will follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement 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 his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor. Complaints may also be filed with the Chief of Police, Director of Human Resources or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors receiving information regarding alleged violations of this policy will determine if there is any basis for the allegation and shall proceed with resolution as stated below.

315.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor will:

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- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure subordinates understand their responsibilities under this policy.
- (d) Ensure that 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) Notify the Chief of Police or 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

Because of differences in individual values, supervisors may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors will make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section will be construed to prevent supervisors from discharging supervisory 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 will 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.

315.5 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

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment will be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

315.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor 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 any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Reporting will be in compliance with this policy. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

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, Director of Human Resources or the City Manager.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy will be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated 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 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 DOCUMENTATION OF COMPLAINTS

All complaints or allegations will be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports will be:

- Approved by the Chief of Police or the authorized designee, Director of Human Resources or the City Manager if more appropriate.
- Maintained for the period established in the department's records retention schedule.

315.8 TRAINING

All new members will be provided with a copy of this policy as part of their orientation. The policy will be reviewed with each new member. The member will certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All members will receive annual training on the requirements of this policy and will 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.

315.8.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a Commander, the Director of Human Resources or the City Manager for further information, direction or clarification.

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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 Evans Police Department members are required to notify the county department of 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 years.

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 Evans Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county department of social services is notified as required by law.

316.3 MANDATORY NOTIFICATION

Members of the Evans Police Department will notify the county department of 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.

For purposes of notification, abuse and neglect is an act or omission that threatens the health or welfare of a child, including suspicious injuries, such as bruising, bleeding, burns; a sex offense; emotional abuse; failure to provide adequate food, clothing or care; exposure to a dangerous environment, etc. (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 will 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

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communities in determining abuse. Abuse does not include a reasonable exercise of parental discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

316.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (CRS § 19-3-308):

- (a) Notifications will be made immediately to the county department of social services.
- (b) A written summary of the investigation or case report will be forwarded without delay to the county department of social services upon completion of any investigation undertaken.
- (c) Notification, when possible, will 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.

An investigating officer and his/her supervisor will 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 have all interviews of child abuse victims done at "Life Stories" and be prepared to:

- (a) Present all cases of alleged child abuse to the prosecutor for review.
- (b) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (c) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (d) Participate in or coordinate with multidisciplinary investigative teams as applicable.

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316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers will 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.
- (k) Unless unavailable, the county department of social services will 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).
- (l) This agency will 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).
- (m) When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating officer will 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).

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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).

316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county department of 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 will ensure that the child is delivered to the county department of 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 will 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 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.

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316.6.1 COURT ORDERS

Unless already being addressed by the county department of 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):

- (a) Believes that the circumstances or conditions of the child are such that continuing in his/her place of residence or in the care and custody of the person responsible for the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future, or
- (b) Believes that the child is able to remain safely in his/her place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered.

316.6.2 RELATED NOTIFICATIONS

If the county department of social services is unable to take custody of a child, officers taking a child into protective custody will (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 will be notified without unnecessary delay (CRS § 19-3-402(1)). The notification will include information regarding the right to a hearing.

316.6.3 SAFE HAVEN ACT PROVISIONS

Any newborn infant (72 hours old or younger) who has been surrendered by a parent to an on-duty firefighter or hospital staff member under the safe haven provisions of CRS § 19-3-304.5 will be taken into temporary protective custody by an officer pursuant to CRS § 19-3-401. A Supervisor and the county department of social services will 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

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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:
 - 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 Investigations Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the county department of 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.

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- (b) Activate any available interagency response when an officer notifies the Investigations Supervisor 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.

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 Investigations Supervisor 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 will 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 will cooperate fully with any such team and investigation (CRS § 25-20.5-404; CRS § 25-20.5-408(1)).

316.10.3 PROCESSING REPORTS AND RECORDS

Members documenting child abuse should make the notation "CHILD VICTIM" on the report or other record (CRS § 24-72-304).

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.

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- (f) Availability of victim advocate or guardian ad litem support.

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:

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:
 1. Out of the zone of safety for his/her chronological age and developmental stage.
 2. Mentally or behaviorally disabled.
 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 5. In a life-threatening situation.
 6. In the company of others who could endanger his/her welfare.
 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (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).

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).

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317.2 POLICY

The Evans 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 Evans 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 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Supervisor will ensure the following forms and kits are developed and available:

- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

317.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway will 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 will promptly dispatch or alert a member who can take the report.

A report will be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

317.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (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 if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 18 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:

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1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate reports accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph and fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (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 will 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 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

317.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor will include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
1. The reports should be promptly sent to the Records Unit.

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- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (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.

317.6.2 RECORDS RESPONSIBILITIES

The responsibilities of the Records Custodian receiving the reports will include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigations.
- (e) Coordinating with the NCIC Terminal Contractor for Colorado to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

317.7 INVESTIGATIONS FOLLOW-UP

Instances of missing and endangered juveniles will be investigated by the Investigations Unit, requests for assistance from outside agencies will also be considered should the need arise.

317.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned Investigator will document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

During regular business hours The Records Custodian and/or investigating officer will ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to CBI.
- (b) A missing child's school is notified.

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- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to CBI.
- (e) Notification will be made to any other law enforcement agency that took the initial report or participated in the investigation.

317.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (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.

317.9 CASE CLOSURE

The Investigations 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 Evans 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.

317.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 1. Assessments and interviews
 2. Use of current resources, such as Body Worn Camera video
 3. Confirming missing status and custody status of minors

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4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage
 - (b) Briefing of department members at the scene.
 - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
 - (d) Verifying the accuracy of all descriptive information.
 - (e) Initiating a neighborhood investigation.
 - (f) Investigating any relevant recent family dynamics.
 - (g) Addressing conflicting information.
 - (h) Key investigative and coordination steps.
 - (i) Managing a missing person case.
 - (j) Additional resources and specialized services.
 - (k) Update procedures for case information and descriptions.
 - (l) Preserving scenes.
 - (m) Internet and technology issues (e.g., Internet use, cell phone use).
 - (n) Media relations.

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 Evans Police Department should notify their supervisor, Sergeant or Investigations Supervisor 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 will promptly notify the Chief of Police, the appropriate Commander and the Public Information Officer 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
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Commander

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 will be followed:

- (a) The Public Information Officer, Sergeant or Investigations Supervisor 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 Public Information Officer 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 Public Information Officer, Sergeant or Investigations Supervisor 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 will 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 will be forwarded to the Colorado Bureau of Investigation.
- (f) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications will 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 unit supervisor will 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 will 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.

318.6 SENIOR CITIZEN/PERSON WITH DEVELOPMENTAL DISABILITIES ALERT

To aid in the identification and location of missing senior citizens and missing persons with developmental disabilities, the Colorado legislature created the Missing Senior Citizen and

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Missing Person with Developmental Disabilities Alert Program. This program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state's public and commercial television and radio broadcasters.

318.6.1 CRITERIA

These alerts apply to the following missing persons (CRS § 24-33.5-415.8):

- (a) "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.
- (b) "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 of age or older and who has a verified impaired mental condition.
 - 4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

Confirmation, in the form of a signed statement from the family member, close friend, caregiver, doctor or medical facility that verifies the missing person is a senior citizen with an impaired mental condition or is a person with developmental disabilities, is required to meet the criteria for the alert (CRS § 24-33.5-415.8; 8 CCR 1507-26).

318.6.2 PROCEDURE

A supervisor, acting upon confirmation of a report of a missing senior citizen or a person with developmental disabilities, may notify the Colorado Bureau of Investigation and request a Missing Senior Citizen/Person with Developmental Disabilities Alert broadcast. Supervisors should ensure that all criteria for the alert are met prior to the request (8 CCR 1507-26).

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):

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- (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).

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 Evans Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Evans 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 Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Evans Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

319.3.1 SPECIFIC VICTIM LIAISON DUTIES

The 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 to the local Victim Witness Assistance Unit.
- (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.

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

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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 Administration supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, 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) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U Visa and T Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number and any applicable case or incident number.
- (k) Information regarding available compensation for qualifying victims of crime (CRS § 24-4.1-101 et seq.).
- (l) How to file a claim in their judicial district through the Victim Compensation Administrator or online through the Colorado Department of Public Safety Victim Compensation Program.
- (m) Information required pursuant to the Victim Rights Act (CRS § 24-4.1-301 et seq.).
- (n) Information related to the Colorado Organization for Victim Assistance (COVA).

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- (o) 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.
- (p) An advisement that the victim may apply to have a substitute address designated for public records and confidential mail forwarding (CRS § 24-30-2102).

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 Administration supervisor will 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).

Bias-Motivated Crimes

320.1 PURPOSE AND SCOPE

The Evans 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, physical or mental disability, or sexual orientation, he/she (CRS § 18-9-121(2)):

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

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.

Bias-Motivated Crimes

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. All related reports will be clearly marked as "Bias-Motivated Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing 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 INVESTIGATIONS RESPONSIBILITIES

If a case is assigned to the Investigations, 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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Bias-Motivated Crimes

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 Police Records Specialist or assigned to the Investigations.

320.5.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING

The Police Records Specialist should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records procedures and in compliance with (28 USC § 534(a)).

320.6 TRAINING

All officers of this department shall receive training on bias-motivated crime recognition and investigation and shall attend annual training which incorporates a bias-motivated crime training component.

Standards of Conduct

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Evans 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.

321.2 POLICY

The continued employment or appointment of every member of the Evans Police Department will 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.

321.3 DIRECTIVES AND ORDERS

Members will 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 will 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.

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 will ask the issuing supervisor to clarify the order or will confer with a higher authority. The responsibility for refusal to obey rests with the member, who will subsequently be required to justify the refusal.

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 will 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.

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Standards of Conduct

The person countermanding the original order will notify, in writing, 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 will 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 will 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 department or City manuals.
- (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.

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321.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Evans 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

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification 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.

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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 place of assignment at 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.
- (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.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Evans Police Department badge, uniform, identification card or 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 marital status.

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.

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- (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.
 - 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, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, or the Chief of Police.
- (i) Any act on, or off--duty that brings discredit to this department.

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 other law enforcement agency or that may result in criminal prosecution or discipline under this policy. Minor traffic stops are exempt from this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

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- (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.
- (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 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 first notifying the Chief of Police of such action.
- (m) 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.

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.
- (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 work place, 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).

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321.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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.

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 Evans 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 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.

322.3 INSPECTION OR REVIEW

A supervisor or the authorized designee 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.

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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.

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 when requested by a supervisor or during the course of regular duties that require such information.

322.4 RESTRICTED USE

Members will not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members will immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Sergeants.

Members will 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.

322.4.1 SOFTWARE

Members will 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 will not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member will 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.

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.

322.4.2 HARDWARE

Access to technology resources provided by or through the Department will be strictly limited to department-related activities. Data stored on or available through department computer systems will only be accessed by authorized members who are engaged in an active investigation

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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.

322.4.3 INTERNET USE

Internet access provided by or through the Department will be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which will 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 will be limited to messages, mail and data files.

322.4.4 OFF-DUTY USE

Members will only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

322.5 POLICY

It is the policy of the Evans Police Department that members will 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.

322.6 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 will 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, 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 will meet the prescribed standards required by the computer system or as directed by a supervisor and will 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 will promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

Report Preparation

323.1 PURPOSE AND SCOPE

Report preparation is a major part of each department member's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

323.1.1 REPORT PREPARATION

Members 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 member 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. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

All reports will accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Members will not suppress, conceal or distort the facts of any reported incident, nor will any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

323.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

323.2.1 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 will document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) 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

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- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report will be documented using the department-approved alternative reporting method (e.g., dispatch log).

323.2.2 NON-CRIMINAL ACTIVITY

Incidents that will be documented using the appropriate approved report 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.
- (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.

323.2.3 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 will be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths
- (b) Suicides
- (c) Homicide or suspected homicide
- (d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)
- (e) Found dead bodies or body parts

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323.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports will be taken if an injury occurs that is a result of an act of a City employee. Reports also will be taken when there is damage to City property or City equipment.

323.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department will require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) 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.

323.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all department members and supervisors will act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports will be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.4 REPORT CORRECTIONS

Supervisors will review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report through the Records Management System, stating the reasons for rejection as soon as practicable. It will be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

323.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution will not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

323.6 ELECTRONIC SIGNATURES

The Evans Police Department has established an electronic signature procedure for use by all employees of the Evans Police Department. The Operations Commander will be responsible for maintaining the electronic signature system and ensuring that each member creates a unique, confidential password for his/her electronic signature.

- Members may only use their electronic signature for official internal reports or other official communications.

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- Each member will be responsible for the security and use of his/her electronic signature and will promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

News 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

The ultimate authority and responsibility for the release of information to the media will remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Commanders, Sergeants and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

324.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation will be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees will consider the following:

- (a) At no time will 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.

324.3 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 will produce valid press credentials that will 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

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be coordinated through the Public Information Officer or other designated spokesperson.

- (c) No member of this department will 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 will not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media will be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members will not jeopardize a tactical operation in order to accommodate the news media. All comments to the media will be coordinated through a supervisor or the Public Information Officer.

324.3.1 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 daily information log of significant law enforcement activities that will be made available, upon request, to media representatives through the Records Division. This log 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 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.

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- (d) Every Thursday, with the exception of holidays, the Records Unit will release the previous week's "Calls for Service" report to the local media only after information protected by law has been redacted.

At no time will identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law.

At no time will identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim.

At no time will identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this department has determined that the identity of a juvenile witness reasonably requires protection.

Information concerning incidents involving persons whose identities are classified as private or confidential under state law will be restricted from disclosure. Further detail is available in the Records Maintenance and Release Policy.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified, the decedent's family has been notified when feasible and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log will be referred to the designated media representative, the custodian of records, or if unavailable, to the on duty Commander. Such requests will be processed in accordance with policy and state law.

324.4.1 STATE RESTRICTED INFORMATION

It will be the responsibility of the authorized department member 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 Files policies). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) The identities of involved officers when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer and as otherwise required by law.
- (b) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) Information pertaining to pending litigation involving this department.
- (d) Information obtained in confidence or that uniquely describes stolen, lost, confiscated or recovered property.
- (e) Any information that is otherwise privileged or restricted under state or federal law.

Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Evans Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

325.2 POLICY

Evans Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Civil subpoenas should be served by delivering a copy to the named member or as otherwise ordered by a court consistent with due process (CRCP Rule 4; CRCP Rule 45).

Criminal subpoenas should be delivered to the member named in the subpoena unless substituted service is otherwise authorized by local court rules (Crim. P. Rule 17).

Subpoenas should not be accepted without properly posted fees pursuant to applicable law (CRCP Rule 45; Crim. P. Rule 17).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Chief of Police or the prosecutor will notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Evans Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Evans Police Department.

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.

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No member will be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off will be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member will notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTHOUSE PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member will request a copy of relevant reports and become familiar with the content in order to be prepared for court.

325.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current department policy.

Mutual Aid and Outside Agency Assistance

327.1 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 will 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. 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.

327.2 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the 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 will respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer will 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 Evans Police Department personnel.

327.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the member requesting assistance will 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.

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

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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.

327.4 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 City 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.

327.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Administrative Commander. 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.

Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Evans 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.

328.2 POLICY

It is the policy of the Evans 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.

328.3 REGISTRATION

The Investigations Supervisor will 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 investigator will ensure that the registration information is provided to the Colorado Bureau of Investigation (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.

328.3.1 CONTENTS OF REGISTRATION

The registrant will be required to complete the registration form provided by CBI.

Registration by a person who lacks a fixed residence will be accepted unless it includes a location that would violate state law or local ordinance. The registrant will be advised of any such violation and allowed five days to secure an alternate location (CRS § 16-22-108).

328.4 MONITORING OF REGISTERED OFFENDERS

The assigned Patrol Sergeant 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 the state website.
- (c) Contact with a registrant's parole or probation officer.

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Any discrepancies should be reported to the Investigations Supervisor.

The Investigations Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Evans Police Department personnel, including timely updates regarding new or relocated registrants.

328.4.1 MANDATORY CONFIRMATION

Following a registrant's first registration with the Department, the residence verification referenced above will occur as soon as possible after the registration and annually thereafter. Residence confirmation will occur quarterly if the registrant is a sexually violent predator (CRS § 16-22-109).

328.5 DISSEMINATION OF PUBLIC INFORMATION

Department members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members 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 the CBI's Convicted Sex Offender [website](#) or the Evans Police Department's website.

The Records Custodian will release local registered offender information to residents in accordance with state law (CRS § 16-22-112; CRS § 24-72-201 et seq.) and in compliance with a Colorado Open Records Act request.

328.5.1 RELEASE NOTIFICATIONS

Sex registrant information that is released will 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)).

328.5.2 MANDATORY DISSEMINATION

The Department will release local sex offender information to residents in accordance with Colorado law and the rules set forth by the CBI. Information released will 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 will not be released.

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The Department will also make the mandated community notifications regarding sexually violent predators. These community notifications will only occur under the circumstances and in the manner specified by the Colorado Department of Public Safety Sex Offender Management Board (CRS § 16-13-904; CRS § 16-13-905; CRS § 16-13-906).

328.5.3 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).

328.5.4 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 the Sex Offender Management Board 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 website
- (d) A link to the Colorado sex offender website
- (e) A link to other law enforcement agencies

328.5.5 PURGE OF LOCAL SEX OFFENDER REGISTRY

When a court order discontinuing a registrant's duty to register is received by the Department, the Investigations supervisor shall ensure that the registrant's registration information is removed from the department local sex offender registry (CRS § 16-22-113).

328.6 NOTIFICATION PRIOR TO RELEASE OR DISCHARGE

Notification of a registrant's release on parole will be made by the sentencing court, the probation department, community corrections, the county jail or the Department of Corrections (CRS § 16-22-106; CRS § 16-22-107).

Prior to registrants being discharged from the Department of Corrections, this department will 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.

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- (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 will notify the Department of Corrections that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).

328.6.1 CONFIDENTIAL INFORMATION

The forms completed by persons required to register pursuant to Colorado law will be confidential and will 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)).

Major Incident Notification

329.1 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.

329.2 POLICY

The Evans 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.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media shows an interest are also of interest to the Chief of Police and the affected Commander. 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 the Officer-Involved Shootings and Deaths Policy for special notification)
- Significant injury or death to an employee, whether on- or off-duty
- Death or injury of a prominent Evans official
- Arrest of Department employee or prominent Evans 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
- Any other incident, which has or is likely to attract significant media attention

329.4 SERGEANT RESPONSIBILITIES

The on duty Sergeant or supervisor is responsible for making the appropriate notification(s). The Sergeant will make reasonable attempts to obtain as much information on the incident as possible before notification, and will attempt to make the notification as soon as practicable.

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329.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police will be notified along with the affected Commander and the Investigations Commander if that division is providing assistance.

329.4.2 DETECTIVE NOTIFICATION

If the incident requires that an officer or Investigator respond from home, the immediate supervisor of the appropriate detail will be contacted.

329.4.3 PATROL DIVISION NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant will be notified, who will then contact the appropriate Investigator. The traffic sergeant will notify the on-call Commander..

329.4.4 PUBLIC INFORMATION OFFICER (PIO)

After members of the staff have been notified, the Public Information Officer will be called if it appears the media may have a significant interest in the incident.

329.5 NOTIFICATIONS

See attachment: [notificationMTX.pdf](#)

Mobile Fingerprint Scanner

330.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Mobile Fingerprint Scanners in a patrol setting. Due to a variety of situations confronting officers in the field, the decision to utilize the scanner will be left to the discretion of the involved officer based on the totality of the circumstances available at the time of the contact.

330.2 DEFINITIONS

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

Reasonable Suspicion- Occurs 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.

330.3 USE OF FINGERPRINT SCANNER

The scanners are to be used at the officer's discretion, in consultation with a supervisor. Approved uses of the scanners include but are not limited to:

- a) Probable cause to arrest exists and there is reason to believe that obtaining fingerprints will assist in the investigation.
- b) Reasonable suspicion exists that a driver or suspect is providing false or fictitious identification.
- c) At-risk or missing persons whom are unable to provide positive identification.
- d) Assisting with the identification of a deceased person only at the request of an Investigator from the Coroner's Office

Voluntary consent must be documented via Body Worn Camera Footage and notated in the CAD call notes if no information was obtained from the fingerprint scan. If incriminating information was obtained from a voluntary scan the fact that the scan was voluntary will be documented in the arrest report.

330.4 PROHIBITED USE OF FINGERPRINT SCANNER

The scanner will not be used for random or general investigative purposes or intelligence gathering.

Death Investigation

331.1 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 will be conducted pursuant to CRS § 30-10-606.

331.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services will 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 will be notified in all death investigations.

331.2.1 MEDICAL EXAMINER REQUEST

The Coroner will be called as soon as practicable after the scene is safe and secure in all deaths. Investigating officers will 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.
- (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.

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In cases involving any of the above mentioned circumstances, the body of the deceased will not be moved or removed from the place of death prior to the arrival of the Coroner. This restriction will 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 will 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 will 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 will provide a copy to the Coroner.

331.2.2 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 will 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 will be included in the narrative of the incident report. Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt will be obtained. This receipt will be attached to the incident report.

331.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person will be made, in person, by the officer assigned to the incident and should be accompanied by a member of Victim's Services and a second officer. At no time should an officer deliver a death notification alone. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction will be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers/deputies may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department will attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members will be recorded in appropriate reports and properly retained.

331.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death will be documented via a Net RMS report..

331.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer will take steps to protect the scene. The on-call Commander will be

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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 Investigations Supervisor, is unable to determine the manner of death, the investigation will proceed as though it is a homicide.

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.

331.2.6 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, via Weld County Communications Center with all pertinent information. If the Victim is an employee of the City of Evans the Risk Management Department will be immediately notified.

Identity Theft

332.1 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.

332.2 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.

332.3 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.

Identity Theft

332.4 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.

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 Evans 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 Evans 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 TYPES OF LEP ASSISTANCE AVAILABLE

Evans 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.

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The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.4 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established City 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.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the City as having the requisite skills and competence, may be requested.

334.6 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.

Authorized interpreters must pass a screening process established by the City 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.

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334.6.1 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.

334.6.2 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 individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.6 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will best identify the needs of LEP individuals so that such services may be targeted where they are most useful, 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.

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334.7 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Evans Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.8 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.

334.9 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings will be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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334.10 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.

334.11 COMPLAINTS

The Department will ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints will be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.12 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.

334.13 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 will 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 will 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.

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334.14 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. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the City 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 or 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 advisor.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

Co-Responder Policy

336.1 PURPOSE AND SCOPE

This policy addresses when and how to deploy Crisis Intervention clinicians to assist officers with determining best treatment options for parties exhibiting mental illness.

336.2 INTRODUCTION

It is the policy of the Evans Police Department to insure a high level of service is provided to all community members. Department members will afford people who are in a behavioral health crisis the same rights, dignities, and access, to police, government and community services as are provided to all citizens.

The Evans Police Department and North Range Behavioral Health (NRBH) have formed a co-responder program that will provide access to a certified clinician. When officers make contact with a person and mental illness appears to be a factor, the clinician may be contacted to provide mental health knowledge and additional assistance in effectively treating the individual.

North Range clinicians have substantial knowledge in properly identifying types of mental illness. Clinicians also know the extensive resources available to these parties that officers may not be aware of. When appropriate the clinician can advise what options may result in a more effective treatment. Desired results of this immediate diagnosis are to provide better treatment for the subject, and to reduce repeat calls for service for patrol officers.

Clinicians will be available seven days per week and duty times will be determined based on call volume.

Clinicians will have their own vehicles to respond to calls for service when requested. Clinicians will have access to the EPD facility.

336.3 PROCEDURE

The following preliminary steps will be taken when an officer comes into contact with a person who is reasonably believed to be in a behavioral health crisis. Officer and subject safety on scene is paramount and should always take precedent while deciding behavioral health assistance options.

- (a) Once officers have determined the scene is safe, the officer will request dispatch to contact the on-call clinician. Dispatch will contact the clinician and advise him/her of the location and nature of the call.
- (b) Officers will request a clinician via dispatch even if it is known that no clinician is on-duty. The purpose is to track the request to provide data for deployment considerations.
- (c) The clinician will respond and speak to the officer to be briefed in more detail as to the situation and any pertinent information that has arisen.
- (d) While and officer is present, the clinician will attempt to have a conversation with the subject to try and obtain details to form a more accurate diagnosis and treatment plan.

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Scene safety during this conversation is paramount. If at any time the officer feels that the situation is unsafe for any party involved, the officer will terminate this conversation and take appropriate measures to make the scene safe again. If the scene cannot be made safe again the attempt will be terminated.

- (e) Once the clinician has concluded the interview, the clinician will speak with the officer and go over what was discovered and what the clinician's opinion is on the best method of treatment.
- (f) If no crime has been committed and the clinician's suggestions are lawful, reasonable and attainable, officers should make all reasonable efforts to follow the clinician's suggested plan of action. For example, the clinician may recommend the individual be transported on a voluntary basis to a non-custodial treatment facility. If an officer is able to complete the transport without causing an unreasonable burden on resource availability, they should do so. The clinician may also have the ability to conduct the transport. The clinician's education, background, and experience treating people with mental illness should be strongly considered in the discussion as to response options. Clinicians have professional experience with the beneficial outcome of immediate, and longer-term, treatment options.
- (g) If a crime has been committed and the subject will be charged for the crime(s), varying outcomes are available:
 - 1. If the subject is going to be jailed, the officer will advise the clinician of this. A medical clearance may be needed and if it is safe to do so, the clinician may respond to the hospital to speak with the doctor and work together on a future plan. The clinician may respond to the jail if the officer or on-duty supervisor feels this response would assist with the arrestee's behavior to remain calm. Officer and clinician safety will take precedence in this decision.
 - 2. If the subject is to be cited, the officer will advise the clinician of this. Criminal procedure will take precedence before further clinician assessment attempts. Once the subject has been cited and the criminal portion has concluded, the clinician will attempt to continue the interview. If the subject chooses to engage in the interview, an officer may stay in the room to monitor the safety of the clinician. This interview is completely voluntary and if the subject chooses to end the interview, the clinician and officer will leave. If the officer decides that the situation is unsafe, the officer the notify the clinician and the two will leave together.
 - 3. If no crime has been committed, the officer will advise the clinician of this. Once the officer has concluded his/her contact he/she should introduce the clinician to the subject. Keeping scene safety in mind, the officer should allow the clinician and subject to have a conversation and see if the clinician can gather information to determine a treatment plan. At no time should the officer leave the room as situations can change quickly and the clinician's safety is the officer's responsibility.
- (h) M-1 Emergency Mental Health Hold: When an emergency mental health hold is needed, the officer, not the clinician will complete the M-1 form.

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- (i) Report Writing: Any time a clinician is contacted reference a call, documentation via CAD call notes or a written report will be completed. Pertinent information involving the reason EPD responded and the outcome should be included

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 will include in the report the necessary information to ensure that chief administrative officer of the school or the appropriate designee is notified of the arrest of a pupil.

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 will 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.

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 Evans 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, including call-out availability and follow-up responsibilities.

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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Child and Dependent Adult Safety

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 Sergeant 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.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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.

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Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

341.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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 Evans 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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Service Animals

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 Evans 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.

Off-Duty Law Enforcement Actions

344.1 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 Evans Police Department with respect to taking law enforcement action while off-duty.

344.2 POLICY

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.

344.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and Department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers will 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 will not be carried by any officer who has consumed any 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)).

344.4 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.

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- (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.

344.4.1 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 Evans Police Department officer until acknowledged. Official identification should also be displayed.

344.4.2 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.

344.4.3 RESPONSIBILITIES

Non-sworn 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.

344.4.4 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.

344.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, will notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Evans Police Department). If prior contact is not reasonably possible, an officer will notify the applicable local law enforcement agency as soon as reasonably practicable. The on duty Sergeant or on-call Commander will determine whether a report should be filed by the officer.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Criminal and Legal Process

345.1 CRIMINAL AND LEGAL PROCESS

This will establish procedures governing civil and criminal process documents. Members will take measures to effectuate the procedures governing civil and criminal service of documents in a safe and orderly manner.

345.2 DEFINITIONS

Civil Process: Any writ, summons, mandate, or other process issued from a court of law or equity pertaining to a cause of action of a civil nature.

Civil Subpoena: A subpoena served under the court's direction, to an individual of the City of Evans for civil court process.

345.3 CITY OF EVANS MUNICIPAL COURT BENCH WARRANTS

Warrants issued by the Municipal Court of Evans are serviceable by any sworn law enforcement officer in the State of Colorado.

When a bench warrant from the Municipal Court has been issued it will be entered into the CCIC/NCIC system by the designated record keeper serving as the agency's tracking mechanism for entry, located warrants, and confirmation of arrest.

If a member arrests a subject on a City of Evans bench warrant, a report will be generated documenting all pertinent facts. If a member attempts to make contact in order to arrest a subject on any City of Evans bench warrant, and the subject is not located, the attempted contact will be documented in the Weld County Communications Computer Aided Dispatching System which will include all pertinent facts related to the attempted contact.

Contacts outside the City of Evans require the presence of a sworn law enforcement officer from the jurisdiction prior to making any arrest.

Members will adhere to all policies regarding use of force and arrest.

345.4 CITY OF EVANS MUNICIPAL COURT SUBPOENAS

Members may be required to assist the Municipal Court with serving subpoenas within the City of Evans. In these instances, the subpoena will contain a Return of Service which will allow for the tracking of attempted and successful service.

When a subpoena is attempted and/or served, the member will make the appropriate notations on the Return of Service. If the subject cannot be located and/or has moved outside the City of Evans, with will be noted on the Return of Service form. The form will be forwarded to the City Prosecutor.

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Criminal and Legal Process

345.5 CITY OF EVANS COURT ORDER PERTAINING TO SEIZURE OF REAL OR PERSONAL PROPERTY

When the Municipal Court Judge orders the seizure of real or personal property, members will follow the order by seizing and booking into evidence the real or personal property in accordance with established Departmental procedures. Final disposition of the property will be based on the Municipal Court's order(s).

Department Use of Social Media

346.1 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).

346.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

346.2 POLICY

The Evans Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members will ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

346.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members will use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

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.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

346.4 AUTHORIZED CONTENT

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.

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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.

346.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

346.5 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 Evans 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.
- (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 this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

346.5.1 PUBLIC POSTING PROHIBITED

Department social media sites will be designed and maintained to prevent posting of content by the public.

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The Department may provide a method for members of the public to contact department members directly.

346.6 RETENTION OF RECORDS

The Administration Commander should work with the Records Custodian to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

346.7 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.

Transportation of Detainees

347.1 TRANSPORTATION OF DETAINEES

The primary duty of a member transporting a detainee is the safe delivery of the detainee in their care.

347.2 SEARCHING DETAINEES BEFORE TRANSPORT

Any member who transports a detainee who was not searched in that member's presence will, before accepting custody, search that detainee for contraband or possible weapons.

347.3 HANDCUFFING DETAINEES

Whenever a person is taken into custody, they will be handcuffed with their hands behind their back, unless such application of handcuffs is a risk to the detainee's health, the application is physically impossible, or a waist chain or similar device is being used. The handcuffs should remain in place until the detainee arrives at the destination.

Detainees will not be secured to any objects in holding areas or temporary detention facilities unless the object is designed for that use.

347.4 SEARCHING TRANSPORT VEHICLES

In addition to inspecting patrol vehicles prior to the beginning of their shift, before transporting a detainee in a police vehicle, the transporting member will insure that no contraband or weapons are present in the area the detainee is to occupy. The transporting member will complete a search of the passenger compartment of the transport vehicle prior to securing the detainee with a seatbelt into the vehicle.

After the transport is completed, the transporting member will search the area in the transport vehicle occupied by the detainee for contraband or weapons.

347.5 TRANSPORT VEHICLES

Rear interior door handle and window controls will not be functional in vehicles used primarily to transport detainees.

347.6 TRANSPORTATION IN A CAGED VEHICLE

A detainee transported in a caged vehicle should be seat belted in the back seat on the right side.

347.7 TRANSPORTATION IN A VEHICLE WITHOUT A CAGE

When practical, detainees will be transported in a caged vehicle.

A detainee being transported by one member in a vehicle without a cage will be seat belted in the right front seat.

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A detainee being transported by two members in a vehicle without a cage will be seat belted in the back seat, right side. One member will ride in the back seat, left side.

When two detainees are transported in a vehicle without a cage there must be two members. Once detainee will be seat belted in the right front seat and the other in the right back seat. One member will right in the back seat seat, left side.

The detainee to member ratio in a vehicle without a cage will never exceed one to one.

Violent or high-risk detainees will not be transported in a vehicle without a cage. Members will keep their firearms from being accessible to the detainees at all times.

347.8 TRANSPORTATION ROUTE

The transporting member will use the most expedient route to the appropriate facility or detention center in light of attendant circumstances, e.g., traffic and weather conditions.

347.9 CONDUCT DURING TRANSPORT

The transporting member will always be aware of the detainee's location and actions. The detainee will not be left unattended in the transport vehicle. During the transport, the member will maintain as much visual contact with the detainee as safety allows.

The safety and security of the detainee and the welfare of the public must be considered as a part of the actions taken by the transporting member. Generally, members will not stop to render assistance or become involved in a law enforcement situation during a transport unless confrontation with a particular situation is unavoidable or there is a clear and present risk of serious bodily injury or death to another person.

During the transport, a detainee should not be allowed to communicate with other persons unless the transporting member believes it is necessary. Arrangements for bond or attorneys can be made after arrival at the holding facility.

If during a long-distance transport it is necessary to stop for a meal, the location for such meal will be selected at random.

347.10 TRANSPORTING DETAINEES OF THE OPPOSITE SEX OR JUVENILE DETAINEES

When a member is transporting a detainee of the opposite sex or a juvenile, the member will advise the Weld County Regional Communications Center of the current location, destination, vehicle unit number and mileage at the beginning of the transport and vehicle mileage upon reaching the destination.

347.11 PHYSICALLY AND/OR MENTALLY DISABLED DETAINEES

Physically and/or mentally disabled detainees may require some considerations not normally associated with detainee transportation.

When dealing with a mentally disabled detainee, members will do, at a minimum, the following:

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- (a) Remove personal property and conduct a thorough search for weapons at the scene.
- (b) Handcuff behind the back and double-lock the cuffs.
- (c) Seat belt the subject in the patrol vehicle.
- (d) Transport in a caged, marked patrol vehicle.
- (e) Upon arrival at the destination, remove belt, shoes, coats, etc. and again search for weapons or any items of personal property.

A detainee's disability may prevent the use of handcuffs. Soft restraints are an acceptable alternative to handcuffs. Casts, braces, artificial limbs, wheelchairs and crutches should be examined for hidden weapons.

347.12 SICK OR INJURED DETAINEES

In the event that a detainee has a visible injury or reports such injury, the member will ascertain the degree of injury and decide whether the detainee will need a medical clearance prior to transferring custody to a detention center. If this occurs, the member will transport the detainee to a local medical center for such clearance. Once a medical clearance has been received, the detainee will be transported to the appropriate detention center.

Emergency Medical Services should be called for those detainees who are ill or injured and the illness or injury may be a threat to life, limb, or eyesight. EMS personnel will decide whether the detainee needs additional medical attention. If additional medical attention is required, transportation arrangements will be made at the recommendation of EMS.

If the detainee is transported by EMS to a hospital or other medical facility the member will immediately notify the Patrol Supervisor. The Patrol Supervisor will assess if the detainee can be released on a summons or held for bond.

If the detainee is taken to the hospital by ambulance for treatment, the member will either ride with the detainee inside the ambulance or follow the ambulance in a department vehicle. In determining which procedure to follow, members will consider the ambulance attendants, the violent nature of the detainee, and any evidence to be preserved.

In the event a detainee develops a condition requiring medical attention while being transported by a member, the member will ascertain the severity of the condition and do one of the following:

- (a) Respond to the nearest emergency room for medical assistance (if the condition is life, limb, or eyesight threatening).
- (b) Stop the transport and call for paramedics to respond.

the member's decision should be based upon the severity of the illness or injury, location and the length of time to complete the transportation.

Handcuffing procedures will be the same with sick and injured detainees as with other detainees, unless the handcuffs cause the illness or injury to worsen. If handcuffs add to the injury or illness

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and the risk to the member is minimal, the handcuffs may be removed or an alternative method of securing the detainee may be used.

347.13 SECURITY OF DETAINEES AT MEDICAL FACILITIES

Any time the need arises to transport a detainee to a hospital or medical facility for treatment and/or admission, the on-duty Patrol Sergeant must be notified and advised of the reasons.

A Patrol Sergeant will review the subject's condition and charges to determine if the subject should be treated and held for bond or released on a summons. In the event a detainee must remain hospitalized, the Operations Commander will ensure that a schedule for the necessary security and relief is established.

When a member has transported a detainee to a medical facility for treatment, that member, or another specified member, will continually be aware of the detainee's location and will remain in close proximity to the detainee. This can be accomplished by remaining inside the room with the detainee in view, or by waiting directly outside the door of the room that the detainee is occupying, after assuring there are no other escape routes.

Handcuffs or other restraining devices may be used to assist in preventing escape or self-inflicted injury. The use of handcuffs does not relieve the member of the requirements to remain in close proximity to the detainee and the responsibility to take appropriate action to prevent the possible escape of the detainee.

Visitation of adult detainees held at a medical facility will only be allowed to provide reasonable access to the detainee's attorney and/or a member of the detainee's family. Friends and associates have no right to access.

Visitation of juvenile detainees held at a medical facility, will only be allowed to provide reasonable access to the juvenile's attorney and/or the juvenile's parent or guardians. The parents or guardians 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 providers and the parent/guardian.

No time period is specified in statute regarding when a detainee will be allowed to make or receive telephone calls, In addition, statute does not limit the number of calls a detainee may make or receive. Sworn members should make reasonable accommodations for the detainee to make and receive telephone calls. When a detainee is allowed telephone access, the sworn member should dial the number for the detainee. The sworn member will document the date/time, and telephone number dialed for the detainee in a supplemental report. With the exception of privileged conversations with attorneys, the member will monitor conversations other individuals have with the detainee.

347.14 TRANSPORTS

There may be special circumstances in which a detainee may need to be transported to a location other than a detention or medical facility. Requests for assistance or support from another

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agency will be routed to an on-duty Sergeant or designee. A Sergeant will coordinate with on-duty personnel to ensure adequate staffing is available to complete the request. The Sergeant will brief the member(s) involved procedures for conducting a transport prior to the member completing the request.

347.15 COURT TRANSPORTS

When a detainee is in custody and is required to appear in Evans Municipal Court the court clerk will request a transport through the Operations Commander or designee. The on-duty Sergeant will receive the required information and ensure that the detainee is transported from the detention center to the Municipal Court Complex for a scheduled hearing.

During transport, the detainee will be restrained using a belly chain and handcuffs. The use of handcuffs does not relieve the member of the requirement to remain in close proximity to the detainee and the responsibility to take appropriate action to prevent a criminal act or the possible escape of the detainee. At no time during this process will the detainee be unrestrained unless requested by the judge.

Next of Kin Notification

348.1 NEXT OF KIN NOTIFICATION

The notification of the next of kin of deceased, seriously injured or ill persons will be carried out in a prompt, professional and courteous manner.

348.2 NOTIFICATION GENERATED FROM INCIDENTS WITHIN EVANS (NON-MEMBER)

With the exception of homicides, members will make every effort to notify the next of kin in person, when possible, Death notification will be handled according to the Coroner's procedures.

Notification pertaining to deaths resulting from homicides will be handled by the Coroner and/or the Investigations Unit with the assistance of Victim Assistance.

In situations involving the immediate family of Department members, notification support will be provided per Policy 1027- Personal Services.

Notification involving members will be handled pursuant to Policy 209 - Line of Duty Death Procedures.

348.3 NOTIFICATION GENERATED FROM INCIDENTS OUTSIDE EVANS

Members will make every effort to deliver notifications initiated by other agencies, in person. Assistance in making these notifications is also available through the Weld County Coroner's Office and/or Victim's Assistance. Members should normally not make any notifications as requested by parties whose identity cannot be otherwise confirmed without approval from a supervisor.

348.4 SUPPORT

Officers should attempt to provide necessary support services for the next of kin or relatives of deceased, seriously ill or injured persons, when necessary. The Evans Police Department Chaplain or Victim Assistance Unit may be utilized as needed, in these instances.

Court Security

350.1 COURT SECURITY

The Evans Police Department is committed to municipal courtroom safety. Members assigned to courtroom security will help prevent security breaches, provide deterrence, and establish a visible presence in and around the Municipal Court facility during court operations.

350.2 RESPONSIBILITY

The Evans Police Department is responsible for ensuring the safety and security of Municipal Court operations. Members assigned for security of the Municipal Court remain accountable to the Police Department authority and policy. The Evans Police Department and the Municipal Court Administrator will review this policy at least every three years to determine if changes are warranted. This process includes reviewing the existing policy and getting input from the Municipal Court Judge and the City Prosecutor. Changes may be made to this policy at any time to improve the safety and security of Municipal Court operations.

350.3 FACILITY SECURITY

Members scheduled to work court security will arrive for duty no later than thirty minutes prior to any scheduled court proceeding unless otherwise directed by the Court Administrator. Court security will be a uniformed assignment to include all standard issued patrol equipment (firearm, handcuffs, OC, Taser, Impact weapon, BWC, radio, etc.). These items are inspected and maintained by the Evans Police Department.

Members will check the building facility, both exterior and interior, prior to the start of court. The facility will be checked for suspicious persons, contraband, weapons, or any other unauthorized items before the court session begins. If a suspicious object is located, members will secure the area and immediately notify the on-duty supervisor as well as the Court Administrator.

If it is known ahead of time that a security risk will be prevalent during an upcoming court procedure, the Chief of Police may assign additional members for court security.

Prior to allowing the general public access to the courtroom for court appearances, members will establish a corridor to funnel the public through a magnetometer to ensure safety of court personnel. The corridor will have signs clearly posted advising that all persons and property are subject to search prior to entry into the courtroom. No weapons, including but not limited to dangerous or illegal weapons as defined by Colorado Revised Statutes 18-12-102(1) and (2), knives, impact weapons, etc. will be allowed in the court room. All weapons discovered through searches will be confiscated, placed in the lock box and will not be returned.

Should a problem arise requiring the response of additional members, the courtroom is equipped with duress alarms that notify the Evans Police Department immediately. Additionally, members assigned to court security are equipped with portable radios to request assistance.

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350.4 USE OF RESTRAINT TOOLS

It is the policy of the Department to allow the use of legally admissible restraint tools within the courtroom. The use of restraints will be guided by the Court Security Member as directed by Evans Police Department Policy 300 -Use of Force and 302-Handcuffing and Restraints.

Members assigned to court security will be equipped with standard issue restraints. These items are inspected and maintained by the Evans Police Department. There are additional sets of restraint devices in the Evans Police Department which can be obtained by members prior to the start of court, if needed.

350.5 PRISONER TRANSPORTS

The Court Administrator will ensure communication with an on-duty supervisor, before the beginning of court that someone currently incarcerated elsewhere needs to be transported to court for an appearance. Members transporting prisoners will be provided with a marked patrol vehicle, that is equipped with a secure cage for the safety of transporting prisoners. Members will comply with the Evans Police Department Policy 347 - Transportation of Detainees.

In the event that more than one prisoner needs to be transported the on-duty supervisor may assign additional assistance as needed.

350.6 COLLATERAL FUNCTIONS AND EXPECTATIONS OF MEMBERS PERFORMING COURT SECURITY

Members assigned to court security will:

- Assist members of the public with directions and/or questions they may have regarding their appearance in court.
- When necessary, assist handicapped persons regarding their ingress and egress to and from the facility.
- Monitor the lobby and hallway areas in the Municipal Complex to ensure ongoing and consistent presence in those areas, along with handling duties inside the courtroom.

When court proceedings have concluded, members will remain available in the lobby area until the clerks have concluded their business and the office area is closed. If requested, members will escort court employees to their vehicles in the parking lot.

Arrest Procedure

351.1 ARREST PROCEDURE

It is the policy of the Evans Police Department to affect every arrest made in accordance with Colorado State Statutes. An arrest will be made on the strength of a warrant, when a felony or misdemeanor occurs in the presence of an officer, or with probable cause that the individual committed a felony or a misdemeanor crime. No arrest will be made on mere suspicion.

351.2 DEFINITION

Arrest: When an officer verbally informs a person that he or she is under arrest; an officer detains someone for a period longer than needed to conduct an investigative stop; or an officer uses force which exceeds reasonable suspicion standards of an investigative stop.

351.3 ARREST WITHOUT A WARRANT

Members will immediately notify a supervisor whenever an arrest without a warrant is made, unless the individual is released on a summons. All affidavits for arrest without a warrant must be approved by a supervisor.

Officers may arrest without a warrant only upon the determination that probable cause exists to believe that a crime was committed and that the individual to be arrested committed the crime or for a crime committed in the officer's presence. Prior to such arrest, officers will 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.

351.4 RELEASE OF ADULTS ARRESTED WITHOUT A WARRANT

When an adult is arrested without a warrant, the individual may be released by the arresting agency 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. A supervisor will review the facts of the case prior to authorizing the release of the detainee.
- (b) The offense for which the person 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. The individual may be processed through the Weld County Detention Center to obtain current identification information prior to the issuance of a summons. Upon issuance of a summons to appear, the individual may be released. The arresting officer will issue the summons to the detainee and advise the individual of the court date and location to appear.
- (c) Persons arrested for any crime or offense, the underlying factual basis of which includes an act of domestic violence will not be released at the scene of the alleged

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crime. In all cases involving domestic violence, the arrestee will be brought before a judge prior to release.

In all other cases, adults arrested without a warrant will be held for bond in accordance with the bond schedule maintained by the Weld County Detention Center.

All required documents pertaining to the arrest will be delivered to the appropriate prosecuting attorney prior to the first court appearance.

351.5 ARREST WARRANTS

Four different types of arrest warrants exist on CCIC

- (a) CICJIS (Colorado Integrated Criminal Justice Information System) Warrants - No Confirmation Required.
- (b) Felony Warrants - Confirmation Required.
- (c) Denver County Court Warrants - Confirm if Indicated on Warrant.
- (d) Pre-CICJIS Misdemeanor/Traffic/Municipal Warrants - Confirmation Required.

All warrants will be confirmed through Dispatch except those that indicate, "CICJIS COURT WARRANT -- NO CONFIRMATION REQUIRED" in the heading.

Any member requesting confirmation of an active Non-CICJIS Court Warrant from Dispatch will clearly state whether the confirmation is for an attempt pick up or if the suspect is presently detained.

351.6 DOMESTIC VIOLENCE

Domestic violence procedures will be handled according to Evans Police Department [311 Domestic Violence](#)

351.7 RELEASE OF HANDCUFFED PERSONS

When it appears a handcuffed individual should be released without charges or pending further investigation, the detaining officer will notify a supervisor, who may authorize the release.

Whenever feasible, the supervisor should respond to the location of the detention before authorizing the release.

351.8 SEARCH INCIDENT TO ARREST

When an individual is placed under custodial arrest by a sworn member, 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 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 arrest.

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When a custodial arrest is made of the occupant of a vehicle, a sworn member should make 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. The search of the passenger compartment may be only for evidence of the offense of arrest.

For additional searching procedures see department policy 347 – Transport of Detainees

351.9 STRIP SEARCHES

The Evans Police Department strongly discourages the use of strip searches in any area other than the Weld County Detention Center. However, under extraordinary circumstances it may become necessary to conduct searches of this nature, based on probable cause, for the safety of officers or to secure evidence of criminal activity. In all cases, strip searches will be conducted according to CRS 16-3-405: Strip Searches - when authorized or prohibited.

For purposes of this section, and in accordance with CRS, "strip search" means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such person.

Members must be aware that any peace officer or employee of a police department who knowingly and intentionally fails to comply with any provision of Section 18-8-405, C.R.S. commits second-degree official misconduct, as defined therein.

Nothing contained in this section will preclude prosecution of a peace officer or employee of a police department under any other provision of the law.

Nothing in this section will be construed as limiting the statutory or common-law rights of any person for the purposes of any civil action or injunctive relief.

351.10 FORCED ENTRY TO MAKE AN ARREST

Forced entry into a building or dwelling to make an arrest is not permitted unless one or more of the following situations exist:

- The officer possesses a search warrant to enter the building or dwelling to search for the person to be arrested
- The officer is in fresh pursuit of a person for whom there is probable cause to arrest
- The officer has probable cause to believe evidence of the crime will be destroyed unless the person is arrested immediately
- The officer believes the subject may cause injury to himself or others
- The officer possesses a valid arrest warrant for the resident of a dwelling and knows the resident is inside the dwelling

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351.11 JUVENILES

The handling of juvenile suspects, detainees, and arrestees is governed by Evans Police Department policy 313 Temporary Custody of Juveniles.

351.12 PRISONER TRANSPORT

Members will adhere to Evans Police Department Policy 347 Transportation of Detainees when transporting prisoners.

Rights of Victims and Witnesses

352.1 RIGHTS OF VICTIMS AND WITNESSES

The Evans Police Department is committed to ensuring the rights of victims and witnesses of crimes under the Colorado Constitution and the Victim Rights Act. The Evans Police Department will comply with the Colorado Constitution, Article II, Section 16(a) regarding victims and witnesses of crime.

352.2 VICTIM RIGHTS PROGRAM

The Evans Police Department uses a Victim Rights Program which provides victims and witnesses with initial resources, support, and assistance, and supplies them with information on their rights in accordance with state law. Victims will be treated with fairness, respect and dignity.

Colorado Revised Statutes guarantee certain rights to crime victims. These rights may include, but not be limited to:

- Murder/Manslaughter
- Domestic Violence
- Vehicular Homicide/Vehicular Assault
- Assault
- Sexual Crimes including Incest, Indecent Exposure and Unlawful Sexual Contact
- Sexual Exploitation of Children
- Child Abuse
- Stalking/Menacing
- Criminally Negligent Homicide
- Kidnapping
- Robbery
- Bias Motivated Crimes/Ethnic Intimidation
- Crimes against At-Risk Adults and At-Risk Juveniles
- Careless driving that results in the death of another person
- Failure to stop at the scene of an accident that results in the death of another person
- Retaliation against, intimidating or tampering with a victim or witness
- Violation of a criminal protection order issued against a person
- Any criminal attempt, conspiracy, criminal solicitation, or accessory involving any of the crimes specified above

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Rights of Victims and Witnesses

352.3 RESPONSIBILITY OF POLICE PERSONNEL

If an incident occurs that is not listed above or is not automatically dispatched by the 9-1-1 Center, an officer may request a Victim Advocate. Examples may be a fire or a traumatic event. Certain incident types may include a 9-1-1 Center recommendation to contact a Victim Advocate including suicide, death investigations, fatal traffic accidents, missing persons and death notification calls.

When the Victim Advocate arrives on scene, the member will update them of the situation and involved person(s). Members will not leave a Victim Advocate alone at a call. If the suspect is at large members may transport the victim to a safe location to meet with a Victim Advocate.

If a Victim Advocate is not called or if a victim refuses assistance at the scene, the member will provide the victim(s) or witness(s) with a Victim Rights and Assistance pamphlet and document the action in their report.

Critical Incidents

353.1 CRITICAL INCIDENTS

This policy is to provide guidelines for the management of special operations and for the development of procedures for use in critical incidents that would require specialized or additional resources. It is the policy of the Evans Police Department to address critical incidents in a manner consistent with the reasonable application of procedures with units that have training in these specialized situations. The Evans Police Department is committed to the safe resolution of critical incidents in a manner that maximizes safety to all involved.

353.2 DECOY, UNDERCOVER AND SURVEILLANCE OPERATIONS

The use of specialized operations must entail planning for officer safety and contingencies. The use of operation plans and methods of diminishing the possibility of conflict with other police operations should be considered.

Surveillance is the planned covert watching of persons, vehicles, places, or objects to obtain information concerning the activities and identities of individuals relating to criminal intelligence gathering or an active criminal investigation. Members are encouraged to use skills of observation to enhance their ability to gather information and intelligence in order to further a criminal investigation.

Surveillance, stakeouts, and undercover operations other than basic patrol observations should be coordinated through a Sergeant with consideration as to the location, duration, and personnel needed to safely complete the operation. All decoy, undercover and surveillance/stakeout operations must be approved by a Sergeant and the Patrol Commander.

353.3 SPECIAL EVENTS

The Administration Commander and/or their designee will be responsible for the coordination and management of all special events including the development of an operations plan.

The Administration Commander will analyze the need for personnel allocation and staffing levels to include the need for mutual aid requests from other law enforcement agencies.

The Administration Commander will be responsible for coordinating the efforts of any private security, volunteers, and groups such as the sheriff's posse, if working directly under the supervision of the Evans Police Department.

The Commander will evaluate, implement, and coordinate any traffic management plans based on the individual needs of the event.

353.4 VIP SECURITY

The Administration Commander and/or their designee will be responsible for the management of all VIP Security events including the development of an operations plan.

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The Administration Commander and/or their designee will be responsible for coordinating all Evans Police Department efforts and official actions in conjunction with any Federal Agency, other local law enforcement agency requesting mutual aid, and/or other official group.

The Administration Commander will analyze the need for personnel allocation and staffing levels to include the need for mutual aid requests from other law enforcement agencies.

The Administration Commander will be responsible for coordinating the efforts of any private security, volunteers, and groups such as the sheriff's posse, if working directly under the supervision of the Evans Police Department.

The Administration Commander will evaluate, implement, and coordinate any traffic management plans based on the individual needs of the VIP Security detail

353.5 HOMELAND SECURITY EMERGENCIES, DISASTERS, AND HAZARDOUS SITUATIONS

Emergency Management and Homeland Security responsibilities fall under the supervision of the Administration Commander. The Administration Commander is responsible for ensuring a community threat assessment has been completed and that there is a response plan to address homeland security threats.

353.6 MANAGEMENT OF CIVIL DISORDER INCIDENTS

The safety of the public, law enforcement, and any involved participant in the area of a civil disorder event are paramount. Civil disorder situations may appear in many forms and can rapidly change in nature at any time.

Officers responding to a civil disorder situation will use every means possible to bring the situation under control in a peaceful manner.

The on-duty supervisor will be responsible for ensuring the appropriate use of personnel to control any civil disorder incident.

The on-duty supervisor is responsible for ensuring that the police response has utilized as much pre-planning as possible while reacting quickly with additional personnel to quell the civil disorder.

Once control of a civil disorder situation is made, police personnel should remain in the area and the staffing reduced gradually to normal levels.

In civil disorder situations where department resources are overwhelmed, the on-duty supervisor and/or commander officer can request mutual aid from neighboring law enforcement agencies.

If the department is made aware of the potential for a civil disturbance situation in advance, prior planning will be conducted with the use of an operations plan designating resources, evacuation plan, traffic mitigation, and the potential for mass arrests.

The on-duty supervisor and/or commander officer will be responsible for making all appropriate notifications regarding any civil disorder event.

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Critical Incidents

353.7 INCIDENT COMMAND SYSTEM (ICS)

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

A commander officer or their designee will serve as the Incident Commander. The Chief of Police retains the right to serve as the Incident Commander at any time for any special operation.

The Incident Commander has the authority to activate department personnel and request mutual aid during any special operation. The Incident Commander or their designee will be responsible for assigning personnel to specific positions and/or assignments outlined in the ICS/NIMS system based on the individuals training and experience.

Not all components of the ICS system need to be activated when the system is initiated; only those portions that are needed for the given situation should be used. Component activation and deactivation depend upon changing circumstances.

The Incident Commander is responsible for the termination of all special operations and coordinating the reporting process.

All first responders will complete ICS-100 and NIMS training. All supervisors will also complete ICS-200 and ICS-300, and commander officers will complete ICS-400.

353.8 EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan will be accessible electronically and in print to all command personnel and reviewed and updated on a bi-annual basis.

The Emergency Operations Plan is a document that will be referred to in any major incident. The plan is an "All Hazard" plan for responding to critical incidents such as natural and man-made disasters, civil disturbances, mass arrests, bomb threats, hostage/barricaded person situations, acts of terrorism, and other critical incidents. The plan will follow standard ICS protocols.

353.9 SEARCH AND RESCUE

The Department normally does not conduct search and rescue missions. If the need should arise for search and rescue operations that require special expertise, a command officer may authorize the utilization of personnel and organizations with that expertise.

Extreme Risk Protection Orders

354.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders, and accounting for firearms and concealed carry permits obtained pursuant to those orders (CRS § 13-14.5-108).

354.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order - An order prohibiting a named person from having in his/her custody or control, purchasing, possessing, or receiving prohibited items.

Prohibited items - Firearms and concealed carry permits that are prohibited by an extreme risk protection order.

354.2 POLICY

It is the policy of the Evans Police Department to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for prohibited items obtained by the Department pursuant to such orders.

354.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Chief of Police will appoint an extreme risk protection order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members. Procedures should include (CRS § 13-14.5-103; CRS § 13-14.5-104):
 1. For temporary extreme risk protection orders, that a search warrant shall be sought concurrently with any petition.
 2. A process for handling notices received from non-law enforcement petitioners to determine whether department attendance at a hearing is appropriate.
 3. Involving agency counsel as required.
 4. Making required state court administrator forms available (CSR § 13-14.5-114).
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.

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5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to self or others.
 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of CRS § 13-14.5-103 and CRS § 13-14.5-106. Procedures should include (CRS § 13-14.5-106):
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service and Operations Planning and Deconfliction policies).
 - (a) Additional time to allow for the proper and safe planning and execution of the court order may be requested, if needed.
 2. Forwarding orders, receipts, and other required notices to the Police Records Specialist for recording in appropriate databases and required notice to the court, as applicable (CRS § 13-14.5-108).
 3. Developing a process for achieving timely service of orders.
- (d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order to ensure compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept surrendered prohibited items at times other than when an order is being served by the department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Developing a process for receiving and reviewing notices from the court that a respondent of an extreme risk protection order has failed to make required filings and determining whether there is evidence that the respondent has failed to surrender any prohibited items (CRS § 13-14.5-108).

354.4 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes that an extreme risk protection order is appropriate should obtain approval from an appropriate supervisor and the risk protection order coordinator or authorized designee prior to seeking an order.

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354.4.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant risk of causing personal injury to him/herself or others by having a firearm in his/her custody or control (CRS § 13-14.5-104). If a person poses a significant risk of causing personal injury to him/herself or others in the near future by having a firearm in his/her custody or control, a temporary extreme risk protection order may be appropriate (CRS § 13-14.5-103).

354.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protection order should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (CSR § 13-14.5-103; CSR § 13-14.5-104).

354.4.3 NOTICE TO FAMILIES AND PERSONS AT RISK

Upon the issuance of an extreme risk protection order, officers should make a reasonable good-faith effort to provide notice to a family or household member of the person named in the order and to any other person who may be at direct risk of violence. Officers should also provide family or household members with referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources (CSR § 13-14.5-105).

Officers should document all efforts to provide notice and indicate whether or not the efforts were successful.

354.5 SERVICE OF ORDERS

Officers shall serve a copy of an extreme risk protection order, along with any accompanying notice of hearing and petition, as applicable, on the person named in the order as soon as practicable.

Service of orders shall take precedence over the service of other orders, except for orders of a similar emergency nature (CRS § 13-14.5-103; CRS § 13-14.5-105; CRS § 13-14.5-106).

354.5.1 ADDITIONAL SERVICE REQUIREMENTS

If officers are not able to complete service within five days, they should make reasonable attempts to notify the petitioner and gather additional information of the respondent's potential whereabouts (CRS § 13-14.5-106).

A notice providing referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources should be provided to the person being served with a temporary extreme risk protection order at the same time as service of the order (CRS § 13-14.5-103). A Co-Responded should accompany members serving an order when the situation allows.

354.5.2 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protection order, the Operations Commander or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

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In no circumstances should fewer than two officers be present when an order is being served. In the event the subject of the order indicates non-compliance and displays the intent to physically or otherwise resist service of the order the officers will terminate the contact and report it to a supervisor for further evaluation.

354.5.3 SURRENDER OF PROHIBITED ITEMS

Officers serving an extreme risk protection order should request that the named person immediately surrender all prohibited items as required by the order. Officers shall take custody of any items surrendered pursuant to the order.

A receipt identifying all surrendered items shall be prepared by the officers and a copy given to the person (CRS § 13-14.5-108). The officers should ensure the original receipt is included in the original case report and forwarded to the Police Records Specialist as soon as practicable. A search warrant inventory form will satisfy the receipt requirement.

All items collected should be handled and booked in accordance with the Property and Evidence Policy.

354.5.4 SEARCH WARRANTS

Officers should consider whether a search warrant may be reasonably necessary prior to attempting service of an order.

Officers should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if an officer serving an extreme risk protection order reasonably believes there are prohibited items within the person's custody, control, or possession that have not been surrendered (CRS § 13-14.5-103; CRS § 16-3-301.5; CRS § 13-14.5-108).

354.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in Department custody pursuant to an extreme risk protection order should be referred to the Property and Evidence Section.

354.7 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigations supervisor is responsible for the review of any extreme risk protection order obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (CSR § 13-14.5-107).

Chapter 4 - Patrol Operations

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 areas of Evans, 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 divisions 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.
- (k) Assist in the service of civil papers.

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 Evans Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic

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terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigations supervisor in a timely fashion.

The Investigations Supervisor should forward the information as soon as practicable to the OPS Colorado Information Analysis Center.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Evans Police Department.

400.2.1 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 unit for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

Patrol Supervisors and the Investigative Sergeant are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.3 BULLETIN BOARDS

A bulletin board will be for display of suspect information, investigative reports and photographs.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

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.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Evans 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).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on 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).

401.2 POLICY

The Evans 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.

401.3 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.

401.4 MEMBER RESPONSIBILITY

Every member of this department will perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

Officers will 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 will include identifying information including, but not limited to, the officer's name, 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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401.4.1 REASON FOR DETENTION

Officers detaining a person will be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy will require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer will report any information required in the Traffic Function and Responsibility Policy.

401.5 SUPERVISOR RESPONSIBILITY

The Department will maintain educational pamphlets for public distribution at the front desk regarding the complaint process. This policy will be made available to the public for inspection during business hours (CRS § 24-31-309(6)).

The Evans Police Department will investigate all complaints of alleged racial- or bias-based profiling against its members as any other complaint is investigated. The identity of the reporting person and the report will initially be kept confidential to the extent permitted by law, unless further processing is required (CRS § 24-31-309(4)(a)).

Supervisors will monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and will handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors will periodically review BWC recordings, MDT data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors will initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

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401.6 STATE REPORTING

The Department will compile, on at least an annual basis, any information derived from complaints received due to the distribution of business cards, as provided in this policy that allege profiling. The information will be made available to the public but will not include the names of officers or the names of persons alleging profiling (CRS § 24 31 309(4)(c)).

401.7 ADMINISTRATION

Each year, the Operations Commander will review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors will review the information compiled from complaints, as provided in this policy and the annual report, and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Sergeant .

All certified members will attend regular training on the subject of racial- or bias-based profiling (CRS § 24-31-309). All newly employed officers shall receive a copy of this policy and initial training on the subject of racial- or bias-based profiling.

Briefing

402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing. However, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

402.2 BRIEFING AND ROLL CALL TRAINING

Briefing and roll call training is generally conducted at the beginning or conclusion of the officer's assigned shift, yet it may occur at another period. Briefing and 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.

402.3 PREPARATION OF MATERIALS

The supervisor conducting briefing and/or roll call training, or the officer if the supervisor is unable to participate in a group briefing or roll call training session, is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

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402.4 RETENTION OF BRIEFING AND ROLL CALL TRAINING RECORDS

Briefing and roll call training materials and a curriculum or summary will be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 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 will 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 will maintain the crime or disaster scene until he/she is properly relieved by a Supervisor or other designated person.

403.3 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.

403.4 POLICY

It is the policy of the Evans 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.

Crime and Disaster Scene Integrity

403.5 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.

403.5.1 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.

Ride-Along

404.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

404.1.1 ELIGIBILITY

The Evans Police Department ride-along program is offered to residents, students and those employed within the City. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 16 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

404.1.2 AVAILABILITY

The ride-along program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Commander or Sergeant.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Sergeant. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-along form.

The Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: chaplains and police applicants with approval of the Sergeant.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time. When practicable, ride-alongs who request multiple opportunities to participate in the ride-along program should be rotated among officers.

404.2.2 SUITABLE ATTIRE

Any person approved to 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 blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Sergeant. In the event that such a ride-along is permitted, the off-duty employee will not be considered on-duty and will not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.2.4 RIDE-ALONG 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 as a ride-along with an officer (provided that the ride-along is not an employee of the Evans Police Department).

404.3 OFFICER'S RESPONSIBILITIES

The officer will advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers will consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

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 Sergeant.

The desk personnel is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form will be returned to the desk personnel with any comments that may be offered by the officer.

404.4 CONTROL OF RIDE-ALONG

The assigned employee will maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

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- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (f) Under no circumstance will a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

Hazardous Material Response

405.1 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.

405.1.1 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.

405.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When members 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. Members should not perform tasks or use equipment without proper training.

A member 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.
 3. Information obtained from any involved person with knowledge regarding the hazardous material.

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- (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.

405.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material will immediately report the exposure to a supervisor. Each exposure will be documented by the employee in a memorandum and First Report of Injury, which will be forwarded via chain of command to the Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it will be the responsibility of the notified supervisor to complete the memorandum and First Report of Injury.

Injury or illness caused or believed to be caused from exposure to hazardous materials will be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she will ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

Hostage and Barricade Incidents

406.1 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.

406.1.1 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.

406.2 POLICY

It is the policy of the Evans 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.

406.3 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.

406.3.1 EMERGENCY COMMUNICATIONS

The Incident Commander of 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).

Hostage and Barricade Incidents

The Incident Commander of 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 Incident Commander 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 Incident Commander will ensure that a court order is obtained within 48 hours of the initial request for the location information (CRS § 18-9-312).

406.4 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.

406.4.1 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 (e.g., canine team, air support).
- (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.

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- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (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 Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

406.4.2 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 (e.g., canine team, air support).
- (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.

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- (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 Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 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 (IC) until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT 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) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) 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 Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

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406.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the IC's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the IC authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The IC shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The IC and the SWAT Commander or the authorized designee shall maintain communications at all times.

406.6.1 REPORTING

Unless otherwise relieved by a supervisor or IC, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Evans Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such 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 should always be the primary consideration.

407.2 POLICY

It is the policy of the Evans Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Evans, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.3.1 ASSISTANCE

The Sergeant should be notified when police assistance is requested. The Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Sergeant determine that the Department will assist or control such an incident, he/she will determine:

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- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.4 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Sergeant including:

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1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.5 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Sergeant is immediately advised and informed of the details. This will enable the Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.6 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.6.1 EVANS POLICE DEPARTMENT FACILITY

If the bomb threat is against the Evans Police Department facility, the Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.6.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Evans Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Sergeant deems appropriate.

407.6.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

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407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Sergeant
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Sergeant should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Civil Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (CRS § 27-65-105).

408.2 POLICY

It is the policy of the Evans Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

408.3 AUTHORITY

An officer who has probable cause to believe that a person is either gravely disabled or an imminent danger to him/herself or others may take the person into custody and transport him/her to a facility designated by the local mental health authority for a 72-hour treatment and evaluation (CRS § 27-65-105).

408.3.1 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.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil Commitments

Civil commitments should be considered over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

408.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have Dispatch notify the receiving facility of the the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and will 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, Sergeant approval is required before transport commences.

408.6 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.

408.7 DOCUMENTATION

The officer will complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report (CRS § 27-65-105).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.8 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.

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- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, 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.

408.9 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.

408.10 TRAINING

The department will provide periodic training on interaction with mentally disabled persons, civil commitments and crisis intervention.

Summons Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Evans Police Department with guidance on when to release adults who are suspected offenders on a summons for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

409.2 RELEASE

A suspected offender may be released on issuance of a summons as follows:

- (a) For a misdemeanor or petty offense when the officer is satisfied that the person will comply with the requirements of the summons (CRS § 16-3-105).
- (b) For certain traffic violations punishable as misdemeanor, petty offense or misdemeanor traffic offense in accordance with CRS § 42-4-1707.
- (c) For the crimes described in CRS § 24-4.1-302(1) and for certain felonies when the local district attorney has approved criteria for the issuance of a summons unless any of the following apply (CRS § 16-5-206):
 1. There is a reasonable likelihood that the person will not appear.
 2. The person has had a felony arrest in the preceding five years.
 3. There is an allegation that the person used a deadly weapon (e.g., firearm, knife, bludgeon or any other weapon capable of producing death or serious bodily injury) in the commission of the crime.
 4. The person has an outstanding arrest warrant.

In addition, for class 2 petty offenses and certain parking violations, the officer may give the offender a penalty assessment notice and release the offender upon its terms. The penalty assessment notice must be a summons and complaint that contains the information required by CRS § 16-2-201.

409.3 PROHIBITIONS

The release of a suspected offender on a summons is not permitted for felony offenses, except when local district attorney has approved criteria for the issuance of a summons for non-violent offenses pursuant to CRS § 16-5-206 (CRS § 16-3-105).

See the Domestic Violence Policy for release restrictions related to those investigations.

409.3.1 PROHIBITIONS IN CERTAIN NON-VIOLENT OFFENSES

A summons otherwise authorized pursuant to procedures approved by the local district attorney will not be issued in lieu of a custodial arrest when an officer reasonably believes that any of the following apply (CRS § 16-5-206):

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- (a) There is a reasonable likelihood that the person will not appear in court.
- (b) The defendant has had a felony arrest during the preceding five years.
- (c) There is an allegation that the defendant used a deadly weapon (e.g., firearm, knife, bludgeon or any other weapon capable of producing death or serious bodily injury) in the commission of the crime.
- (d) The person has an outstanding arrest warrant.

409.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense (CRS § 16-3-105).
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

409.4.1 PENALTY ASSESSMENTS

A decision to use the penalty assessment procedure will 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).

409.5 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. However, most state statute sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

409.6 POLICY

The Evans Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a summons, when authorized to do so.

Rapid Response and Deployment

410.1 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.

410.2 POLICY

The Evans 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 will preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

410.3 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 possible, 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, 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).

410.4 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.

410.5 PLANNING

The Operations Commander 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.

410.6 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).

Immigration Violations

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Evans Police Department for investigating and enforcing immigration laws.

411.2 POLICY

It is the policy of the Evans Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Department Members will render law enforcement services to all individuals regardless of their citizenship status. Criminal violations of immigration law such as illegal entry into the United States are appropriately dealt with at or near the point of entry, or by a federal warrant. Other deportable offenses such as overstaying a work, educational, or special visa are considered civil violations and not criminal offenses.

Immigration and Customs Enforcement (ICE) has the responsibility and authority to enforce federal immigration laws. Their officers are uniquely prepared for this law enforcement responsibility due to their special training in dealing with the complexities and fine distinctions of immigration laws.

411.3 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 will treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Colorado Constitutions.

411.4 ENFORCEMENT

Members will not stop, detain, question, or arrest any person solely on the basis that the individual might have unlawfully entered this country or exceeded his/her authorization to remain in the United States.

411.4.1

411.4.2

411.4.3

411.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Such notifications are made by detention officers. Notification will be handled according to jail operation procedures.

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Immigration Violations

411.6 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, 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, to ICE or other federal agencies.

411.7 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 ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

411.7.1

411.8 U VISA AND T VISA NON-IMMIGRANT 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)).

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 will be forwarded in a timely manner to the Records Unit. The Records Unit will forward all such requests to the District Attorney's Office.

411.9 TRAINING

The Training Sergeant will ensure that all appropriate members receive immigration training.

Aircraft Accidents

412.1 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.

412.1.1 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.

412.2 POLICY

It is the policy of the Evans Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

412.2.1 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating crashes involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as the NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the crash did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage will be done under the guidance of the NTSB or military authorities. If the NTSB is not responding for an on-site investigation, it will be removed at the discretion of the pilot or the owner.

412.3 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.

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Aircraft Accidents

- (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).

412.4 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.

412.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding Supervisor will ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors will 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)

412.6 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).

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Aircraft Accidents

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.

412.7 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.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

412.8 DOCUMENTATION

All aircraft accidents occurring within the City of Evans will 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 EPD 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.

412.8.1 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 will 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.

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- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

412.8.2 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.

412.9 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 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.

AUTHORITY AND RESPONSIBILITIES

415.1 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 Sergeant heads each watch.

415.2 AUTHORITY AND RESPONSIBILITIES

This policy does not supersede any job description outlines otherwise and furthermore, any conflicts which may arise between policy and job description will be resolved by the outline of the job description.

415.3 CHIEF OF POLICE

The Chief of Police is appointed by the City Manager with the approval of the majority of the City Council and serves at their pleasure.

Authority- The Chief of Police is the Chief Executive Officer of the Department and the final departmental authority in all matters of of policy, operations, and discipline. The Chief of Police exercises all lawful powers of this office and issues such lawful orders as are necessary to assure the effective performance of the Department.

Responsibilities- The Chief of Police is responsible for the enforcement of all laws and ordinances coming within the Department's legal jurisdiction. The Chief of Police has ultimate responsibility for planning, directing, coordinating, controlling, and staffing all activities of the Department; for its continued and efficient operation; for enforcing the rules of conduct and Departmental Policy; for the completion and forwarding of such reports as may be required by competent authority; and for the Department's relations with the citizens of Evans, city government, and other agencies.

415.4 COMMANDER

Commanders attain their rank by appointment by the Chief of Police. Any member appointed to the position of Commander serves at the pleasure of the Chief of Police.

Authority- Commanders derive authority to carry out the objectives of the Police Department, within their respective command from the Chief of Police. Commanders may act in cases not regularly assigned to their command when the delay necessary to inform the proper unit might result in a failure of the Department to perform a police duty.

Responsibilities- Members appointed to the rank of Commander are ordinarily assigned additional duties by the Chief of Police. Commanders, subject to direction by the Chief of Police, will be responsible for planning, directing, controlling, and coordinating all activities within their command. Commanders are directly responsible to, and execute all policy and orders issued by, the Chief of Police.

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AUTHORITY AND RESPONSIBILITIES

415.5 INTERIM COMMANDERS

This policy will also apply to all personnel who by necessity are assigned as interim Commanders.

415.6 SERGEANT

Sergeants are members of the Police Department, directly below the rank of Commander. Sergeants attain their rank by promotion from an eligibility list established by competitive promotional examination after meeting the minimum requirements to participate in the testing process.

Authority- Sergeants are supervisors with the authority to take all necessary action, consistent with Departmental Policies, to ensure proper performance of their subordinates. They will assume all the authority, duties, and responsibilities of their rank and can be charged with exacting the proper performance of police duties from the members of the Department under, and subject to, their Supervision. They may act in cases not regularly assigned to their command when the delay necessary to inform the proper unit might result in a failure of the Department to perform a police duty.

Responsibility- Sergeants are responsible for the appearance, activities, performance, and behavior of the members directly under their command. They are the first line Supervisor of the members in their command. They will have primary field supervision responsibility over all areas and functions to which they are assigned. They will also exercise supervision over any member of a lower rank demonstrating a need for immediate supervisory action. It is the ongoing responsibility of the Sergeant to ensure proper discipline and training for the members directly under their command. They will use inspection, evaluation, and counseling as tools to aid in the proper discipline and training of their members.

415.7 MASTER POLICE OFFICER

Master Police Officers are below the rank of Sergeant and one grade above a top-step Police Officer. The rank is attained by meeting the minimum tenure requirements and an established set of criteria.

Authority- Master Police Officers has limited supervisory authority as determined by their Sergeant. Master Police Officers may be assigned as "acting Sergeant" in the absence of a shift Sergeant. When assuming the role of "acting Sergeant", Master Police Officers will be charged with exacting the proper performance of police duties from members of the Department under, and subject to, their supervision.

Responsibility- In the absence of a Sergeant, and when assuming the duties of an "acting Sergeant", Master Police Officers are responsible for the appearance, activities, performance, and behavior of the members under their command. They have primary field supervision responsibility of all areas and functions to which they are assigned. Master Police Officers are not responsible for discipline or training of members directly under their supervision, but are expected to inform their supervisor when members do not meet attendance, performance, or behavior expectations.

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AUTHORITY AND RESPONSIBILITIES

415.8 INVESTIGATIONS/SPECIAL ASSIGNMENT

Investigations and Special Assignment positions are below the rank of Sergeant and are classified as equal rank to Police Officers. Investigations and Special Assignment positions will be supervised by the Administrative Sergeant through the Investigations Bureau. Officers participating in a special assignment position will also be supervised by the agency which has primary jurisdiction or responsibility regarding the assignment. Officers will be assigned to these positions through a competitive process.

Authority- Investigations and Special Assignment Officers will have the authority to take any lawful action necessary in the performance of these duties.

Responsibilities- Officers assigned to the Investigations Bureau will be responsible for carrying out the basic criminal function of the Department as well as investigating major crimes and are subject to an on-call rotation. Special Assignments include but are not limited to, the Gang Unit and The Weld County Drug Task Force.

415.9 POLICE OFFICER

Police Officers are members of the Police Department below the rank of Sergeant. Police Officers attain their rank by appointment from an eligibility list established by a competitive examination.

Authority- Police Officers will have the authority to take any lawful action necessary in the performance of their duties.

Responsibility- Police Officers are responsible for carrying out the function of the Department including the suppression of crime, the protection of life and property from criminal depredation, the apprehension and arrest of violators of the criminal and traffic laws, recovery of stolen property, and the regulation of non-criminal conduct. They will constantly direct their best efforts to accomplish this end intelligently and efficiently, and will hold themselves in readiness at all times to answer the calls and obey the orders of the Supervisors.

415.10 DELEGATED AUTHORITY

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

Delegation is a function and tool of good management. When appropriate, the supervisor has the discretion and responsibility to delegate to subordinates.

When authority is delegated, it will 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. Likewise, no one will be assigned responsibility for work without being delegated authority to direct the manner of its performance.

The supervisor should advise subordinates they will be held accountable for the exercise of their delegated authority.

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

415.11 SUPERVISOR RESPONSIBILITY: ACCOUNTABILITY FOR PERFORMANCE OF SUBORDINATES

All supervisory personnel will be held accountable for the performance of subordinate personnel under their immediate control and will be expected to provide the following direction, coordination, and control of personnel:

- a. Direction will be provided through verbal and/or written means.
- b. Coordination of any work effort will be either directly or indirectly monitored by the supervisor responsible for its outcome.
- c. Control will be maintained over subordinate personnel in all work efforts with respect to conduct and final disposition.

415.12 SUPERVISOR LIABILITY

Nothing in this policy will make a supervisor liable or responsible for the acts of their subordinates when such acts are outside the course and scope of the subordinate's employment, unless the supervisor ordered, approved or ratified such acts.

415.13 INTERIM SUPERVISORS

This policy will also apply to all personnel who by necessity are assigned as interim supervisors.

415.14 COMMUNITY SERVICE TECHNICIAN

Community Service Technicians are members of the Police Department below the rank of Police Officer. Community Service Technicians attain their rank by appointment from an eligibility list established by a competitive examination.

Authority- Community Service Technicians are not sworn members of the Evans Police Department. They have authority to take lawful action necessary to enforce animal control enforcement, parking enforcement, and take crime reports.

Responsibility- Community Service Technicians respond to any calls for service pertaining to animals, responds to and handles calls for service relating to specific cold-calls and cold-cases, including but not limited to non-violent misdemeanor crimes lacking evidence or suspects, specific traffic-related incidents, and non-injury traffic accidents.

BODY-WORN CAMERAS

416.1 PURPOSE AND SCOPE

The Evans Police Department has equipped all Patrol Officers, Investigators, and Community Service Technicians who are in contact with members of the public with Body-Worn Cameras. The use of the cameras aid in the gathering of evidence as well as enhancing trust and transparency between the Evans Police Department and the Community. This policy provides direction for department members who are issued Body-Worn Cameras during their contacts and investigations.

416.1.1 BODY-WORN CAMERAS

The Evans Police Department has equipped members with a Body-Worn Camera (BWC) system and also allows members to use dedicated audio recording devices. The BWC is designed to assist and compliment members in the performance of their duties. The BWC is used to record certain duty related activities, thereby creating a visual and/or audio record of the incident as a supplement to the member's report. A BWC recording is to be used when there is a clear benefit to such a recording. In general, BWC recordings will fall into one of two categories of focus, evidentiary and mutual accountability. It is the purpose of this policy to provide members with guidelines for the use of recording devices. This policy is not intended to describe every possible situation where the system may be used; however, there are many situations where the use of the BWC device is recommended.

416.2 OPERATION REQUIREMENTS

Prior to going into service, each member will check out the appropriate equipment, if required. Members will test the BWC system operation in accordance with manufacturer specifications and departmental training at the start of each shift to verify proper functioning and will notify their supervisor of any problem.

416.3 UPLOADING, STORAGE, AND RETENTION OF RECORDINGS

Any BWC recorded incident will be documented in the associated departmental reports, field interview entries, or on traffic citations that are the sole documentation. Uploading of a BWC will be done in accordance with manufacturer specifications and departmental training. BWC evidence will be stored in a departmental designated secure location. All files will be securely downloaded periodically and no later than the end of each shift. Each file will contain information related to the date, BWC identifier and assigned member. In circumstances when this cannot be accomplished, supervisory notification and approval are required,

416.4 ACTIVATION OF THE BWC

Once activated the BWC, with some exceptions, will remain on and not be turned off until the initial incident that caused the activation has concluded. For purposes of this section, conclusion of the incident occurs when the gathering of evidence or exchange of communication related to police enforcement activities are concluded. It is understood that not all incidents will clearly start

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BODY-WORN CAMERAS

out as needing documentation by a BWC recording or having a clear ending when the BWC is no longer needed. Members will be expected to use discretion and common sense when activating and deactivating the BWC. Whenever possible, officers should inform individuals that they are being recorded unless doing so would be unsafe, impractical, or impossible. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC will remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy. Any incident that is recorded with either the video or audio system will be documented in the member's report. If a traffic citation is issued, the member will make a notation in the appropriate note section, indicating that the incident was recorded.

416.4.1 REQUIRED ACTIVATION OF THE BWC

This policy is not intended to describe every possible situation in which the BWC system may be used. In addition to the required situations, a member may activate the system any time the member 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 BWC. The activation of the BWC system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops. If the circumstances of the traffic stop indicate the BWC is no longer needed, then it is the member's discretion to end the recording and document the reason why.
2. Priority responses
3. Vehicle pursuits
4. Suspicious person/vehicle contacts
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Domestic violence calls
9. DUI investigations including field sobriety maneuvers

(b) Any self-initiated activity in which a member would normally notify Weld County Dispatch and a BWC recording would be useful.

(c) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

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416.4.2 CESSATION OF RECORDING

If a member fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the member will document why a recording was not made, was interrupted, or was terminated.

416.4.3 CLASSIFICATION AND RETENTION OF BWC RECORDINGS

When a member has stopped the BWC device the member will classify the recording according to department training and guidelines. These classifications will serve to assist in locating the recording and each classification will have an established retention time. Any BWC recording in any classification can be changed to another classification or have its retention status changed for the benefit of an investigation or organizational needs.

416.4.4 WHEN ACTIVATION NOT REQUIRED

Activation of the BWC system is not required during breaks, lunch periods, when not in service, or when the member is otherwise involved in routine or administrative duties. No member of this agency may surreptitiously record a conversation of any other member of this agency except with a court order or when authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal investigation or as an administrative function.

416.5 REVIEW AND RESTRICTED REVIEW OF BWC RECORDINGS

All recording media, recorded images and audio recordings are the property of the Evans Police Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by policy and law.

To prevent damage or alteration of the original recorded media, it will not be copied, viewed or otherwise inserted into any device not approved by the agency BWC administrator or forensic media staff.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports, statements, or for court testimony.
- (b) By a supervisor investigating a specific act of member conduct.
- (c) To assess proper functioning of the BWC system.
- (d) By an investigator who is participating in an official investigation, such as a criminal investigation, personnel complaint, or an administrative inquiry.
- (e) A member who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment, unless the BWC recording is restricted at the time of request.
- (f) By court personnel through proper process or with permission of the Chief of Police or by authorized designee.
- (g) Public release of BWC Video recordings will be in accordance with current departmental evidence release policies as well as the rules set forth in the Colorado Criminal Justice Records Act. Release may also occur at the direction of the Chief of Police or authorized designee.

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(h) Recordings may be shown for training purposes. If an involved member objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the member's objection.

Recordings may not be reviewed when an incident is deemed sensitive in nature. For evidentiary or mutual accountability concerns, access will be restricted to authorized individuals. This status would be deemed necessary by a supervisor and entered by a BWC Administrator. Examples could include cases involving use of force resulting in serious bodily injury, officer involved shootings, allegations of criminal actions by an officer or by a citizen with an officer as a victim and investigations alleging misconduct. Access to a restricted BWC recording must be approved by the division commander (or designee) overseeing the investigation. Restricted BWC recordings are subject to general rules and policies regarding the retention of case related evidence.

416.6 DOCUMENTATION

In no way is a BWC meant to replace a written report if one is called for. Members are still responsible for completing a thorough report in the same manner they would if they did not have a BWC recording. If a member is on a call where his or her role would not normally call for a report, but the BWC was activated, they will make a supplemental report if a case number was pulled for evidentiary entry purposes.

Mobile Data Terminal Use

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

417.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

417.3 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members will not access the MDT system if they have not received prior authorization and the required training. Members will immediately report unauthorized access or use of the MDT by another member to their supervisors or Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her Supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

417.3.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio (CRS § 42-4-201).

In no case will an operator attempt to send or review lengthy messages while the vehicle is in motion.

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 email.

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Mobile Data Terminal Use

417.4 POLICY

Evans Police Department members using the MDT will comply with all appropriate federal and state rules and regulations and will use the MDT in a professional manner, in accordance with this policy.

417.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity will be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member will document it via the MDT.

417.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

417.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Sergeant are notified of the incident without delay.

Officers not responding to the emergency will refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

417.6 EQUIPMENT CONSIDERATIONS

417.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they will notify Dispatch. It will be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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Mobile Data Terminal Use

417.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Public Recording of Law Enforcement Activity

418.1 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 that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

418.2 POLICY

The Evans Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation 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 members performing their official duties.

418.3 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) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

418.4 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 conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers will document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

418.5 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 regarding any appropriate limitations on their location or behavior. 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.

418.6 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 is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. 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 will 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 will be limited to the relevant recording and the device or media returned as soon as practicable.
2. 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.
3. Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

418.6.1 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 will be sought within 72 hours of the seizure (CRS § 16-3-311).

Foot Pursuits

419.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

419.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to officers, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

419.3 DECISION TO PURSUE

The safety of officers 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 officers .

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone will not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

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 may place officers and the public at significant risk. Therefore, no officer or Supervisor will be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances 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 a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology
- (e) 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

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immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

419.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order will be considered mandatory.
- (b) The officer is acting alone.
- (c) 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) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (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 foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (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 members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

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419.5 REPORTING REQUIREMENTS

The initiating officer will complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force will be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect will complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

419.6 RESPONSIBILITIES IN FOOT PURSUITS

419.6.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer will be responsible for coordinating the progress of the pursuit and containment. 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, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier

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- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

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 foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

419.6.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

419.6.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor will 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 possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor will continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor will 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 will promptly proceed to the termination point to direct the post-foot pursuit activity.

Crisis Intervention Incidents

420.1 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.

420.1.1 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.

420.2 POLICY

The Evans 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 Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

420.3 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
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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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.

420.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from a mental health disorder or who appear to be in a mental health crisis (CRS § 30-10-527; CRS § 31-30-109).

420.5 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.

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420.6 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.

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 should generally:

- 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.

420.7 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.

420.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

420.9 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.

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.

420.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

420.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as, records request, and animal control 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.

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Crisis Intervention Incidents

420.11 EVALUATION

The Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

420.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

First Amendment Assemblies

421.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

421.2 POLICY

The Evans Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

421.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disrupting lawful assembly. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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First Amendment Assemblies

421.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

421.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor will assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

421.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

421.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

421.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

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421.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

421.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

421.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander will evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER ® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department will be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

421.8 ARRESTS

The Evans Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests will only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation/Summons and Release Policy).

421.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

421.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their Supervisors prior to returning to normal operational duties.

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421.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

421.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

421.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Civil Disputes

422.1 PURPOSE AND SCOPE

This policy provides members of the Evans 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.

422.2 POLICY

The Evans 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.

422.3 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 will 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 will 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 will 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.

Civil Disputes

422.4 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.

422.4.1 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.

422.5 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.

422.6 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

Medical Aid and Response

423.1 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.

423.2 POLICY

It is the policy of the Evans Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

423.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) 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 Dispatch 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 Dispatch 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 whether to transport the person for treatment.

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423.4 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.

423.5 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 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 mental illness 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 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.

423.5.1 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.

Medical Aid and Response

423.6 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.

423.7

423.8 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).

423.8.1 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 N/A 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 Dispatch as soon as possible and request response by EMS (CRS § 13-21-108.1).

423.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

423.8.3 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 Evans Fire Protection District 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).

423.9 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 training.

423.9.1 OPIATE ANTAGONIST USER RESPONSIBILITIES

Members who are qualified to administer an opiate antagonist should handle, store and administer the medication consistent with their training. The antagonist is to be carried on the officer's person at all times while on duty and not stored in patrol vehicles. Members should check the medication and associated administration equipment at the beginning of their shift to ensure

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they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to their sergeant.

Any member who administers an opiate antagonist should contact Dispatch as soon as possible and request response by EMS (CRS § 12-36-117.7; CRS § 12-38-125.5; CRS § 12-42.5-120).

423.9.2 OPIATE ANTAGONIST REPORTING

Any member administering an opiate antagonist should detail its use in an appropriate report and will record such action using the designated App on their issued smartphone.

423.9.3 OPIATE ANTAGONIST TRAINING

The training sergeant should ensure training is provided to members authorized to administer an opiate antagonist.

Chapter 5 - Traffic Operations

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 Evans 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 undo 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.

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

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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 or a misdemeanor 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, will be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor will be contacted to determine the best enforcement option.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 OFFICER RESPONSIBILITIES

Department members will 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 will be forwarded to the Patrol Division for approval then the Records Unit for data entry into the records management system.

501.5.2 RECORDS UNIT RESPONSIBILITIES

The Records Unit will be responsible for:

- (a) Monthly and quarterly reports on traffic accident statistics, to be forwarded to the Chief of Police or other persons as required.
- (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. The Administrative Commander will ensure 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

See policy 506.

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Traffic Accident Response and Reporting

501.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT OFFICE EMPLOYEES

When a member of this department, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Evans Police Department and it results in a serious injury or fatality, the Chief of Police or designee should request the Colorado State Patrol (CSP) or other outside agency to complete an investigation and report.

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)).

501.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Operations 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 refer to the Animal Control Procedures Policy when a traffic accident involves disposition of an injured animal.

501.7 NOTIFICATION OF COMMAND STAFF

In the event of a serious injury or death related traffic accident, the Sergeant or supervisor will notify the on duty or on-call Commander to relate the circumstances of the traffic accident and seek assistance from the Traffic Unit. In the absence of a Commander, the Sergeant or any supervisor may assign an Investigator or other properly trained officer to investigate the traffic accident.

Vehicle Towing and Release Policy

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Evans Police Department and under the authority of CRS § 42-4-1803.

502.2 RESPONSIBILITIES

The responsibilities of those department members storing or impounding a vehicle are as follows.

502.2.1 COMPLETION OF VEHICLE IMPOUND/STORAGE FORM

Department members requesting towing of a vehicle will complete a vehicle impound/storage form that includes written authorization pursuant to CRS § 42-4-1803(1)(b) for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records as soon as practicable after the vehicle is stored.

Approved storage forms will be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

502.2.2 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 will have the driver select a towing company, if reasonably possible, and will relay the request for the specified towing company to Dispatch. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

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 will request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a vehicle impound/storage form.

502.2.3 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.

502.2.4 RECORDS RESPONSIBILITY

Approved vehicle impound/storage forms will be promptly filed so that they are immediately available for release or review should inquiries be made.

Records personnel should promptly enter pertinent data from a completed vehicle impound/storage form into the Motor Vehicle Verification System to determine if the vehicle has been reported stolen (CRS § 42-4-1804). No later than 10 working days after a vehicle has been towed by this department, Records personnel will report the towing and related information to the Department of Revenue, Motor Vehicle Division as required by CRS § 42-4-1804(1)(b).

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Records personnel will make a good faith attempt to notify the owner or lien holder of abandoned vehicles within 10 working days after receipt of a vehicle impound/storage form pursuant to (CRS § 42-4-1804(4)(a); CRS § 42-4-1804(4)(b)). The notice will 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 Records 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)).

502.3 TOWING SERVICES

The City of Evans periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations

If more than one firm has been awarded contracts, they will be placed on a rotation list. Nothing in this policy will require the Department to tow a vehicle.

502.4 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 will 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 will be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

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In such cases, the handling employee will note in the report that the owner was informed that the Department will not be responsible for theft or damages.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle will be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 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.

502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Traffic Citations

504.1 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.

504.2 RESPONSIBILITIES

Employees of this department will use the approved traffic citation for all traffic offense citations.

The Operations Commander will be responsible for the development and design of all Department traffic citations in compliance with state law (CRS § 42-4-1707).

504.3 DISMISSAL OF TRAFFIC CITATIONS

Once a citation has been issued a department member is not authorized to dismiss it without it prior approval from a Sergeant or Commander.

504.4 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 will be presented to a supervisor to approve the voiding of the citation. The citation and copies will then be forwarded to the Records Division.

504.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation will submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter will then be forwarded to the Records Unit. The Records Unit will prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

504.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records.

504.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to local regulations (CRS § 43-2-135(1)(g) and CRS § 42-4-110(1)). A parking violation may be appealed by filing a request with the court and posting fees as required.

504.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles vary from the procedure for adults (CRS § 42-4-1707(1)(b)). The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Evans Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

505.3 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 members will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Department members will not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or to remove vehicles that are obstructing traffic pursuant to CRS § 42-4-1803(2) is not considered a mechanical repair.

505.3.2 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. Officers will not physically push disabled vehicles out of the roadway. The use of push bumpers is required to move a disabled vehicle.

Police and City Owned Vehicle Collisions

506.1 POLICE AND CITY OWNED VEHICLE COLLISIONS

For the purpose of this policy, a collision is defined as, "the unintended damage to property or injury to any person as a result of a motor vehicle in motion". When members of the Evans Police Department become involved in a traffic collision in a city vehicle, the below listed procedures will be followed.

506.2 MEMBER RESPONSIBILITY

- (a) Check on injuries immediately and attend to injured, if needed, before rescue arrives.
- (b) Advise Dispatch of location and if rescue is needed.
- (c) If the collision is outside of the City, notify the appropriate jurisdiction.
- (d) Immediately notify a supervisor. Ask for any available supervisor to respond.
- (e) Do not move vehicles, if practical, until supervisor arrives.

506.3 ON-SCENE SUPERVISOR RESPONSIBILITY

- (a) Respond to collision scene.
- (b) Conduct a preliminary investigation and make an informed decision as to causation factors in the collision and a determination regarding collision prevention (preventable or non-preventable).
- (c) Determine if the involved member(s) have properly utilized appropriate safety and emergency equipment, i.e., Seat Belt, Lights and Siren.
- (d) Complete the Police Vehicle Collision Review and Summary Report to be submitted to the Commander.
- (e) Submit a memorandum, in addition to the summary report, outlining the events surrounding the collision to include:
 - Any perceived mitigating or aggravating factors.
 - Proper utilization or failure to utilize appropriate safety and emergency equipment.
- (f) Submit reports through the member's chain of command.
- (g) Notify the on-call Duty Commander as outlined in the notification matrix

506.4 UNATTENDED POLICE VEHICLE COLLISION

If a member finds their police unit has been involved in a collision while unattended, it will be handled according to the following:

- (a) Advise Dispatch of the location and ask for a unit to handle or a unit from the appropriate jurisdiction, if not in the city.

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(b) Ask for a supervisor to respond to the scene.

506.5 COLLISIONS DURING A TRAINING EXERCISE

Collisions involving minor property damage occurring during a structured driver's training exercise, within an area designated as a driver training facility, and while following the prescribed course of training, will not normally be handled as a motor vehicle collision or assessed preventable points.

However, any collision occurring during a prescribed training exercise that results in injury to any party, or severe damage to property, will be handled as a motor vehicle collision.

506.6 INTENTIONAL VEHICLE CONTACTS

This procedure applies to any subject that intentionally "contacts" any City vehicle or property.

Intentional contact by a motor vehicle with any person or property is not an accident, and an accident report will not be completed. Such intentional acts will be investigated and recorded in an offense report. The offense report must clearly document the driver, registered owner and insurance of any non-police vehicles. Injuries and property damage must also be documented. If a point of impact can be established by debris on the roadway, skid marks, et cetera, then a diagram will be completed on a supplemental sheet (do not use accident report DR-447).

If a member of the Evans Police Department initiated an intentional vehicle contact, the 19th Judicial CIRT Team should be notified if appropriate, and a Use of Force review will be initiated

506.7 COLLISION REVIEW PROCESS

Whenever a member is involved in a traffic collision, the responding supervisor will initiate the collision review form and submit it through the chain of command.

The collision review process will consist of a review by the member's chain of command. If any of the reviewing members have a concern about how the collision occurred, then the reviewing members will meet, and if appropriate, interview the member. The reviewing members will make a recommendation based on their findings.

The report will be completed by each level of the chain of command as indicated on the review form until it reaches the Commander. Upon completion, the Commander will retain the reports for filing.

After reviewing the reports, the Commander will, after thoroughly reviewing the case, make a final determination on the following issues:

1. Non-Preventable: Unavoidable collision, collision not caused by member, proper defensive techniques
2. Preventable: Collision was principally caused by driving actions in violation of traffic laws or violations of department policy and/or poor defensive driving practices.

-If the collision is found to be preventable, the Commander will take into consideration the severity of the collision (severity of injuries and damage).

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3. Mitigating or Aggravating Factors:

-A factor of mitigation in a collision could be the officer was driving in a reasonable and prudent manner, following departmental policy and utilizing proper defensive driving practices, while appropriately looking for a suspect and inadvertently causes minor damage to the car.

-A factor of aggravation might be where the officer is driving too fast for conditions and is eating food, which drops in their lap and while trying to retrieve the food strikes a post. The officer's actions aggravate the collision.

4. Member's prior history of police vehicle collisions or other acts.

506.8 COLLISIONS INVOLVING CITY VEHICLES, WITHIN CITY LIMITS

Members should investigate any collision involving City owned vehicles regardless of whether the vehicle is assigned to the Police Department, or any other city department.

When Traffic Unit personnel are not available, officers should conduct the initial investigation. If the driver of a privately owned vehicle is involved in a collision with a City owned vehicle and determined to be at fault, the investigating officer will file the appropriate charges at the time of the report. In cases where the driver of a City owned vehicle is at fault, or fault is in question, the report will be marked incomplete and forwarded to the Operations Commander for follow up and determination of appropriate charges.

In collisions involving serious injuries or death, the Colorado State Patrol will be requested to conduct the investigation.

506.9 FILING

All completed collision reviews will be forwarded to the Operations Commander for processing. The Operations Commander will forward a copy of all completed collision reports to Human Resources (Risk Manager).

Chapter 6 - Investigation Operations

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 notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

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 Evans 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.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (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.

601.4 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.

601.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and

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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 qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded will be included in the report.

601.4.2 TRUTH VERIFICATION EXAMINATIONS

Members of the Evans Police Department will 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 (42 USC § 3796gg-8; CRS § 18-3-407.5).

601.4.3 VICTIM CONFIDENTIALITY

The Department will withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct pursuant to CRS § 24-72-304. The notation "SEXUAL ASSAULT" will be made on Department official records involving a victim of a sex crime.

The name of any juvenile victim of a sex crime will not be disseminated or published (CRS § 19-1-102(1.7)).

601.4.4 VICTIM RIGHTS

Officers investigating or receiving a report of an alleged sex crime will ensure victims are provided a handout explaining the victim's rights, and information and resources available (see the Victim and Witness Assistance Policy) (CRS § 24-4.1-303).

As soon as available and when appropriate, the investigating member will ensure the victim is provided (CRS § 24-4.1-303(10)(b)):

- (a) The business address and telephone number of the District Attorney.
- (b) The file number of the case and the name, business address and telephone number of any officer assigned to investigate the case.
- (c) Information regarding a suspect being taken into custody or released, unless such information would interfere with the investigation.

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- (d) Information concerning any change in the status of a cold case and, upon a written request from the victim, an update at least annually concerning the status of a cold case when the criminal statute of limitations is longer than three years.
- (e) Information regarding any final decision not to file charges unless this department and the District Attorney's office have developed a separate policy specifying the manner of informing victims of decisions not to file charges.

601.4.5 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.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

Forensic medical evidence will be collected if the victim requests the collection.

Prior to collection of any forensic medical evidence, the victim's written consent should be obtained using the form required by the Department of Public Safety (DPS).

Unless the victim withdraws consent, evidence collected will be submitted for analysis to the Colorado Bureau of Investigation or an accredited crime laboratory within 21 days (8 CCR 1507-29; CRS § 18-3-407.5). Forensic evidence associated with an anonymous report made pursuant to CRS § 12-36-135 will not be submitted to a laboratory for testing (CRS § 18-3-407.5).

The result and the case information should be entered into state and national registries in a timely manner.

No Evans Police Department member will ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination (CRS § 18-3-407.5)(3)(a)).

The Evans Police Department will be responsible for direct costs associated with the collection of forensic evidence from a sex crime victim (CRS § 18-3-407.5(1)).

601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.

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2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
1. Interviewing sexual assault victims.
 2. Medical and legal aspects of sexual assault investigations.
 3. Serial crimes investigations.
 4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
 5. Techniques for communicating with victims to minimize trauma.

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 will 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.

No Evans Police Department member will 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).

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Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Section 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.

601.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Supervisor.

Classification of a sexual assault as unfounded requires the Investigations 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 Investigations Supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

Eyewitness Identification

602.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (CRS § 16-1-109).

602.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup 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.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

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

602.2 POLICY

The Evans 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.

602.3 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.

602.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations supervisor 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.

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- (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 or live 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 should be reviewed at least annually and modified when necessary (CRS § 16-1-109).

602.5 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.

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.

602.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

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When practicable, the member presenting a lineup to a witness should not know which photograph depicts the suspect or which person in the live lineup is the suspect (e.g., randomly numbering photographs, shuffling folders, using a computer program).

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (CRS § 16-1-109).

The member presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness (CRS § 16-1-109).

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

602.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live 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 live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 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.

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- (d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (e) A person should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- (g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

602.6 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.

602.7 PUBLIC ACCESS TO POLICY

This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

602.8 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (CRS § 16-1-109).

Individuals in the 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 lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (CRS § 16-1-109).

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

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602.9 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 a photo or live 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 live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 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.

Brady Material Disclosure

603.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Evans Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

603.2 POLICY

The Evans Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Evans Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

603.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports will be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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603.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police will examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure will apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member will be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Records Custodian will accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any materials pursuant to this process, the Records Custodian should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

603.4.1 DISCLOSURE OF MISREPRESENTATIONS

The Chief of Police or the authorized designee will notify the local district attorney within seven days of any sustained finding that an officer has made a knowing misrepresentation in any of the following (CRS § 24-33.5-114; CRS § 30-10-525; CRS § 31-30-107; CRS § 33-9-111):

- (a) Testimony or an affidavit provided in the scope of the officer's employment.
- (b) During the course of any internal investigation of the officer that relates to alleged criminal conduct, official misconduct or the excessive use of force.

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603.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information will be investigated and processed in accordance with the Personnel Complaints Policy.

603.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

603.7 BRADY PROCESS

The Chief of Police will select a member of the Department to coordinate requests for *Brady* information. This person will be directly responsible to the Administration Commander or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

603.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) will check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and will alert the coordinator if a person on the list is subpoenaed.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department members are expected to properly care for Department property assigned or entrusted to them. Members 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 DOCUMENTATION OF ISSUED PROPERTY

All property issued will be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon a member's separation from the Department, all issued equipment will be returned and documentation of the return signed by the Quartermaster then forwarded to the Chain of Command.

700.2.1 CARE OF DEPARTMENT PROPERTY

Members will be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. A member'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) Members will 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 will conduct an appropriate investigation and direct a memo to the appropriate Commander that will include the result of his/her investigation and whether the member followed proper procedures. The supervisor's report will 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 will only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property will not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

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- (e) In the event that any Department property becomes damaged or unserviceable, no employee will attempt to repair the property without prior approval of a supervisor.

700.3 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any member who damages or causes to be damaged any real or personal property of another while performing any law enforcement function will report it as provided below.

- (a) A verbal report will be made to the member's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report will be submitted before the member goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.3.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If members of another jurisdiction cause damage to personal property or property belonging to the City of Evans, it will be the responsibility of the member present or the member responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The member will submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, will promptly be forwarded to the appropriate Commander.

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 Evans Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members 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 member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws

Members 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

Members will have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and will have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the member might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files, without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of member misconduct and, as practicable, will be done in the presence of the affected member. Prior to conducting any search of personally owned devices, supervisors will consult with the Chief of Police. All such searches will be fully documented in a written report.

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701.4 DEPARTMENT-ISSUED PCD

Depending on a member'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 will remain the sole property of the Department and will be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services will be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Member's will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation will promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner will promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols will apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD will not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

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- (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). Members will endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Members 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) Officers 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) Members will not access social networking sites for any purpose that is not official department business.
- (f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct will promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member 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 a member who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the member 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.

Except in an emergency, members who are operating non-emergency vehicles will not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (CRS § 42-4-239). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information

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is not inadvertently transmitted. As soon as reasonably possible, members will conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

Vehicle Maintenance and Equipment

702.1 PURPOSE AND SCOPE

Members are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle will be removed from service for repair. Proper documentation will be promptly completed by the employee who becomes aware of the defective condition via sending an e-mail to the "Fleet" address.

The member's supervisor will be notified when an assigned vehicle becomes inoperative or in need 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 will be immediately removed from service for 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 will 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 will be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers will inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- Properly signed out equipment bag
- Fire Extinguisher
- Patrol Rifle
- Less Lethal Shotgun
- First Aid Kit

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- CPR Mask
- Other equipment listed on the trunk vault (patrol cars only)

702.3.2 ADMINISTRATIVE VEHICLES

Members will inspect the vehicle prior to using it to ensure there is no damage or mechanical issues that create a safety hazard. New damage will be reported to the appropriate supervisor.

702.3.3 COMMUNITY SERVICE TECHNICIAN TRUCK

The Community Service Technician will inspect the truck prior to their shift and ensure the following equipment, at a minimum is in the vehicle:

- Fire Extinguisher
- First Aid Kit
- Traffic safety vest

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles will 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. Vehicles will only be refueled at an authorized location. Members operating a marked patrol vehicle should refuel their car at the end of their shift when practical.

702.5 WASHING OF VEHICLES

All units will be kept clean at all times and, weather conditions permitting, will be washed as necessary to enhance their appearance.

Members using a vehicle will remove any trash or debris at the end of the shift.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department-owned vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and will not be construed to create or imply any contractual obligation by the City of Evans to provide assigned take-home vehicles.

703.2 POLICY

The Evans Police Department provides vehicles for department-related business use and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Sergeant will ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number will be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) will first notify the on-duty Sergeant. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from a maintenance facility or car wash.

703.3.3 INSPECTIONS

Members will be responsible for inspecting the interior and exterior of any assigned vehicle for damage and proper equipment function before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle will be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department will 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 member will search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle will be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members will ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) will log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member will notify Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members will not make any unauthorized modifications to the system. At the start of each shift, members will verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if practical.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Commander approval.

All data captured by the system will be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members approved to operate marked patrol vehicles will be issued keys to their assigned vehicles at the start of their designated shift.

Members will not duplicate keys. The loss of a key will be promptly reported in writing through the member's chain of command.

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703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles will not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members will not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There will be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles will ensure that all weapons have been removed before going into service. Non-sworn members will prominently display the "out of service" placards at all times. Non-sworn members will not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments will be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and will meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 30-minute drive time) of the Evans City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles will be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Evans is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Evans may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles will only be used for work-related purposes and will not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Commanders.

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4. When the vehicle is being used by the Chief of Police, Commanders or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
 6. When the member is using the vehicle to travel to a training location.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, equipment charging).
 2. All weapons will be secured while the vehicle is unattended.
 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons will be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Department will have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it will be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Evans Police Department or while off-duty, an officer will not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles will 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.

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703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members will make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes will be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department will be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will then send an e-mail to the "fleet" e-mail address explaining what work is needed on the car.
- (f) All weapons will be removed from any vehicle left for maintenance.
- (g) Supervisors or designees will make, at a minimum, monthly inspections of vehicles assigned under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member will promptly notify a Supervisor. Any traffic accident report will be filed with the agency having jurisdiction (see the Traffic Accident Response And Reporting Policy).

Damage to any department vehicle that was not caused by a traffic accident will be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

703.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

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To avoid unnecessary toll road charges, all members operating department-owned vehicle on a toll road will adhere to the following:

- (a) Members operating a department-owned vehicle for any reason other than in response to an emergency will pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency will notify, in writing, the appropriate Commander within five working days explaining the circumstances.

Chapter 8 - Support Services

Property and Evidence

800.1 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.

800.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section will maintain secure storage and control of all property necessitating custody by the Department. The Evidence Technician reports to the Administrative Division Sergeant and is responsible for the security of the Property and Evidence Section. Property and Evidence Section keys are maintained only by the Evidence Technician, the Administrative Division Sergeant, and the Administrative Division Commander. The Evidence Technician and the Administrative Sergeant will not loan Property and Evidence Section keys to anyone and will maintain keys in a secure manner.

Any individual entering the Property and Evidence Section other than the Evidence Technician must be accompanied by the Evidence Technician or the Investigations Division Supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose. The entry will be initialed by the accompanying individual.

800.2 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.

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

800.3 PROPERTY HANDLING

Any department member who first comes into possession of any property will 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 will 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.

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The property documentation must be completed to document the release of property not booked. The owner will sign the appropriate form acknowledging receipt of the item.

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked or properly secured prior to the employee going off-duty. Employees booking property will 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 will mark each item of evidence with initials and date.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location will be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs will be booked separately using a separate property white property envelope. The actual, gross and audit weight will be recorded on the envelope and witnessed by a second officer who will sign the envelope along with the original booking officer.

800.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device will promptly notify a supervisor. 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. All other hazardous items such as flammable materials, gas cans, fireworks, etc. will be stored at the outdoor evidence location.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items will 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 will 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 the Evidence Technician or placed in the bicycle storage area until a Evidence Technician can log the property.
- (d) All cash will be counted in the presence of another officer and the envelope initialed by both officers.

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- (e) 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.
- (f) Items that are potential biohazards will be appropriately packaged and marked to reduce the risk of exposure or contamination.

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.

800.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and will be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards

800.4.1 PACKAGING CONTAINER

Employees will package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

A property tag will be securely attached to the outside of all items or group of items packaged together.

800.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs will retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the evidence. 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 will be included in the officer's report.

Narcotics and dangerous drugs will be packaged in an envelope of appropriate size. Controlled substances with a white or grey powder like appearance will not be tested and officers will wear gloves and supplied N95 respirator masks when handling such substances.

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The booking officer will weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. After packaging and sealing as required, the entire package will be weighed and the audit weight will be written on the outside of the package, initialed and dated by the packaging officer.

The audit weight will be verified every time the package is checked in or out of the Property and Evidence Section. Any discrepancies will be noted on the outside of the package. Any change in weight should be immediately reported to the supervisor.

800.4.3 RIGHT OF REFUSAL

The Evidence Technician has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Evidence Technician refuse an item of property, he/she will maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

800.5 RECORDING OF PROPERTY

The Evidence Technician receiving custody of evidence or property will create a property sheet for each piece of property received. The property sheet will be the permanent record of the property in the Property and Evidence Section. The Evidence Technician will record his/her signature, and audit weight if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property control card.

A property sheet will be maintained and a unique property number created for each piece of property received. The property sheet will record, by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number will be obtained for each item or group of items from the property sheet. This number will be recorded on the property tag and the property sheet.

Any changes in the location of property held by the Evans Police Department will be noted on the property sheet.

800.6 PROPERTY CONTROL

Each time the Evidence Technician receives property or releases property to another person, he/she will enter this information on the property sheet. Officers desiring property for court will contact the Evidence Technician at least one day prior to the court day.

800.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the property sheet will be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a Supervisor or investigator.

Request for analysis of items other than controlled substances will be completed on the appropriate forms and submitted to the Evidence Technician. This request may be filled out anytime after booking of the property or evidence.

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800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Evidence Technician releasing the evidence must complete the required information on the property sheet and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Division for filing with the case.

800.6.3 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, will be noted on the property sheet, stating the date, time and to whom it was released.

The Evidence Technician will obtain the signature of the person to whom property was released and the reason for release. Any member receiving property will 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 property sheet, indicating date, time and the person who returned it.

800.6.4 AUTHORITY TO RELEASE PROPERTY

The Evidence Technician will not release any property without a signed authorization from an appropriate authorized member of the Department. The Investigations Supervisor will authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Evidence Technician will, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

800.6.5 RELEASE OF PROPERTY

A reasonable attempt will be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

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Property belonging to a crime victim will 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 will 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)).

Release of property will 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 will be signed by the authorizing supervisor or Investigator and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property will be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping will be held for a minimum of 30 days. During such period, property personnel will attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Property with an estimated value of \$500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property will be fully documented in related reports.

A Evidence Technician will release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. The owner or finder will also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property will be recorded on the original property documentation. After release of all property entered on the property control card, the card will be forwarded to the Records for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section.

Upon release or other form of disposal, the proper entry will be recorded in all property documentation and logs.

800.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department will 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.

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- (e) A receipt for the property is obtained from the owner upon delivery.

800.6.7 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 will 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, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

800.6.8 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).

800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be sold at a public auction in compliance with existing laws, upon receipt of proper authorization for disposal. The Evidence Technician will request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or Investigator.

Upon any release or sale of any property, the proper notation will be made on the property sheet. Proceeds from the sale of unclaimed property will be deposited into the City treasury, minus reimbursement for department expenses.

Abandoned motor vehicles impounded by the Department may be sold at a public or private sale following notice pursuant to CRS § 42-4-1805.

800.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property will 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
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics

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- Unclaimed, stolen or embezzled property
- Destructive devices

800.7.2 UNCLAIMED MONEY

If found money is no longer required as evidence and remains unclaimed after one year, the money is presumed abandoned property (CRS § 38-13-108.2).

800.8 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor will 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 Investigations Division Supervisor

Biological evidence will 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 will be retained in the appropriate file and a copy forwarded to the Investigations Commander.

Biological evidence related to a homicide will 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 Investigations Commander should be consulted and the sexual assault victim should be notified.

800.8.1 SUFFICIENT SAMPLE PRESERVATION

DNA evidence that is subject to preservation pursuant to CRS § 18-1-1103 will be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence (CRS § 18-1-1104(2)).

If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, the Evidence Technician will 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.

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The preserved DNA evidence will, 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.

800.8.2 RECORDS RETENTION AND PRESERVATION

The Department will 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 will 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 will 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)).

800.8.3 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).

800.8.4 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)).

800.8.5 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

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the return of the DNA evidence. Upon proper receipt, the Department will release DNA evidence belonging to the victim (CRS § 18-1-1107).

800.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION

On a monthly basis, the Investigations Supervisor will inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas will be conducted annually, as directed by the Chief of Police.
- (b) An annual audit of evidence held by the Department will be conducted by a Commander who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.
- (c) Whenever a change is made in personnel who have access to the Property and Evidence Section, an inventory of all evidence/property will be made by an individual not associated with the Property and Evidence Section or function to ensure that records are correct and all evidence property is accounted for.

800.10 ANNUAL AUDIT

An audit of the contents of the Property & Evidence Holding Facility will be conducted annually. A supervisor not routinely or directly connected with the control of property will be appointed only by the Chief of Police to conduct that audit.

Records Procedures

801.1 PURPOSE AND SCOPE

The Records Custodian will keep the Department Records procedures continuously updated to reflect the procedures being followed within the Records Unit . Policies and procedures that apply to all members of this department are contained in this chapter.

801.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 11-00001 would be the first new case beginning January 1, 2011.

801.2 PRIVACY POLICY

The Records Custodian will 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 will include:

- (a) A declaration supporting the protection of individual privacy.
- (b) Standards which minimize the collection of personally identifiable information to the least amount of information required to complete a particular transaction.
- (c) The applicability of the Colorado Open Records Act.
- (d) Notation that the policy applies to the collection of all personally identifiable information, regardless of the source or medium.

801.3 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, and all reports related to a case will be maintained in a secure area within the Records Unit, accessible only to authorized Records personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Sergeant.

801.3.1 REQUESTING ORIGINAL REPORTS

Generally, original reports will not be removed from the Records Unit. Should an original report be needed for any reason, the requesting member will first obtain authorization from the Records Custodian. All original reports removed from the Records Unit will be recorded on the report dissemination log, which will constitute the only authorized manner by which an original report may be removed from the Records Unit.

All original reports to be removed from Records Unit the will be photocopied and the photocopy retained in the report file location of the original report until the original is returned to the Records Unit. The photocopied report will be shredded upon return of the original report to the file.

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801.4 RECORDS CUSTODIAN TRAINING

The Records Custodian will receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

801.5 REPORTING

The Records Custodian will 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).

Records Maintenance and Release

802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance, access and release of department records. Protected information is separately covered in the Protected Information Policy.

802.2 POLICY

The Evans Police Department is committed to providing public access to records in a manner that is consistent with the Colorado Criminal Justice Records Act (CCJRA) (CRS § 24-72-301 et seq.).

802.3 RECORDS CUSTODIAN RESPONSIBILITIES

The responsibilities of the Records Custodian include, but are not limited to (CRS § 24-72-301 et seq.):

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for records as allowed by law is available (CRS § 24-72-306).

802.4 PROCESSING REQUESTS FOR RECORDS

Any department member who receives a request for any record will route the request to the Custodian of Records or the authorized designee.

802.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material will be redacted and the unrestricted material released.
 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for

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the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

- (c) The payment of any authorized fees required for the copying or mailing of the records requested as authorized by CRS § 24-72-306.
- (d) Records related to arrests (i.e., official action) will, and all other records, may be made available for inspection at reasonable times except as otherwise provided by law (CRS § 24-72-303; CRS § 24-72-304).
 - 1. The Records Custodian will deny access to a requester seeking access to records unless the requester signs a statement which affirms that the records will not be used for the direct solicitation of business for pecuniary gain (CRS § 24-72-305.5).
- (e) If the records requested are related to an arrest and are in active use, in storage or otherwise not readily available, the Records Custodian will notify the requester of the status. This notice will be in writing if requested by the requester. If requested, the Records Custodian will set a date and hour, within three working days, at which the records will be available to the requester (CRS § 24-72-303):
 - 1. If the Department does not have the records related to an arrest, the Records Custodian will include in the notice, in detail to the best of his/her knowledge and belief, the agency which has custody or control of the requested record.
- (f) For all other records requested (i.e. not related to an arrest) that are not in the custody or control of the Department, the Records Custodian will notify the requester of the status. The notice will be in writing if requested by the requester. The notice will include the reason for the absence of the records from the Department's custody or control, their location and what person has custody or control of the records (CRS § 24-72-304).
 - 1. If the Records Custodian has knowledge that the records requested are in the custody and control of the central repository for criminal justice records, the request will be forwarded to the central repository.
- (g) If the Records Custodian denies access to a record and the applicant has requested a written statement of the grounds for the denial, the Records Custodian will prepare the written statement and provide it to the applicant within 72 hours, citing to the law or regulation under which access is denied or the general nature of the interest to be protected by the denial (CRS § 24-72-305).

802.5 RELEASE RESTRICTIONS

Examples of release restrictions include, but are not limited to:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic accident reports, are restricted except as authorized by the Department, and only when such use or disclosure is

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- permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Victim information that may be protected by statutes (CRS § 24-4.1-303; CRS § 24-72-304).
 - (c) Juvenile-related information that may be protected by statutes (CRS § 19-1-304).
 - (d) Certain types of reports involving, but not limited to, child abuse or neglect (CRS § 19-1-307) and at-risk adult abuse (CRS § 26-3.1-102).
 - (e) Records that contain the notation "CHILD VICTIM" or "SEXUAL ASSAULT" will have identifying information deleted as required by CRS § 24-72-304.
 - (f) Records that contain information concerning an application for victim's compensation (CRS § 24-4.1-107.5).
 - (g) Information received, made or kept by the Safe2Tell® program (CRS § 24-31-607).
 - (h) Records of the investigations conducted by the Department, records of the intelligence information or security procedures of the Department, or any investigatory files compiled for any other law enforcement purpose (CRS § 24-72-305).
 - (i) The result of chemical biological substance testing (CRS § 24-72-305).
 - (j) The address of an individual who has requested and been approved for address confidentiality (CRS § 24-30-2108).
 - (k) Personnel records, medical records and similar records which would involve personal privacy.
 - (l) Any other record subject to inspection where such inspection would be or is (CRS § 24-72-305):
 - 1. Contrary to any state statute.
 - 2. Prohibited by rules promulgated by the state supreme court or by order of any court.

802.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact the Administrative Division Commander and the Records Custodian who will notify the City Attorney for review and processing. In the event the Administrative Division Commander, Records Custodian, or City Attorney are unavailable the member will take the subpoena duces tecum to the Chief of Police or designee without undo delay. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

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All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

802.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy will be stamped in a colored ink or otherwise marked to indicate the department name who is releasing the record.

Each audio/video recording released should include the department name releasing the record.

802.8 EXPUNGEMENT OR SEALED RECORDS

Expungement orders or orders to seal criminal records received by the Department will be reviewed for appropriate action by the Records Custodian. The Records Custodian will expunge or seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is expunged or sealed, members will respond to any inquiry as though the record did not exist.

802.8.1 EXPUNGEMENT OF ARREST RECORDS RESULTING FROM MISTAKEN IDENTITY

If the Investigations Supervisor determines that a person was arrested based on mistaken identity and no charges were filed following the arrest, the Records Custodian will file a petition for an order to expunge any arrest or criminal records resulting from the mistaken identity. The petition must be filed no later than 90 days after the investigation into the arrest, in the judicial district where the arrest occurred (CRS § 24-72-701.5).

802.9 SECURITY BREACHES

Members who become aware that any Evans Police Department system containing personal information may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records will ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the security breach is reasonably believed to affect 500 or more Colorado residents, the Custodian of Records will also notify the Colorado attorney general. Notice may not be required if the Custodian of Records, after a reasonable investigation, makes a determination that misuse of the individual's information has not occurred and is not reasonably likely to occur. Additional notices to consumer reporting agencies may be required if the security breach requires notification to more than 1,000 Colorado residents (CRS § 24-73-103).

Notice will be given in the most expedient time possible and without unreasonable delay, and not later than 30 days from the discovery of the breach, consistent with the needs of the department and any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system. Notice may be delayed if notification will

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impede a criminal investigation. In such cases, notice will be made not later than 30 days after a determination is made that notification will no longer impede the investigation (CRS § 24-73-103).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following when not encrypted, redacted, or secured by any other method that renders the information unreadable or unusable (CRS § 24-73-103):

- (a) Social Security number
- (b) Driver's license number or identification card number
- (c) Student, military, passport, or health insurance identification number
- (d) Medical information
- (e) Biometric data
- (f) Username or email address, in combination with a password or security questions and answers, that would permit access to an online account
- (g) Full account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to the individual's account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Custodian of Records should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

Protected Information

803.1 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 Evans 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 Maintenance and Release Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Evans 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.

803.2 POLICY

Members of the Evans 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.

803.3 RESPONSIBILITIES

The Senior Records Custodian serves as the Colorado Crime Information Center Coordinator.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Division of Motor Vehicles (DMV) records and the Colorado Crime Information Center (CCIC).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Protected Information

803.4 ACCESS TO PROTECTED INFORMATION

Protected information will not be accessed in violation of any law, order, regulation, user agreement, Evans 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 work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

803.5 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 Custodian 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 Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

803.6 SECURITY OF PROTECTED INFORMATION

The CCIC coordinator will 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.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

803.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information will ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

803.7 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 will be forwarded to the Records Custodian.

Upon receipt of a request to correct the record, the Records Custodian will evaluate the request as follows:

- (a) The Records Custodian 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 Custodian requires additional time to evaluate the merit of the request for correction, the Records Custodian will notify the applicant in writing.
 1. The Records Custodian will 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 Custodian will communicate that decision to the applicant in writing.
- (c) If the Records Custodian refuses to make the requested correction and the person requests a written statement of the grounds for the refusal, the Records Custodian will promptly provide such a written statement.
- (d) If the Records Custodian decides to make the correction, the Records Custodian will ensure the change is made in the records and communicate the correction to the Colorado Bureau of Investigation.

803.8 TRAINING

All members authorized to access or release protected information will 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. Members will sign the required CCIC documentation upon the completion of the bi-annual training.

Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 COMMUNITY SERVICE TECHNICIAN / ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Community Service Technician and include:

- (a) Animal-related matters during periods when the Community Service Technician is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the Community Service Technician is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.
- (d) Tasks identified in the Colorado Animal Protection Act (CRS § 35-42-101 et seq.).

805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts will be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.6 POLICY

It is the policy of the Evans Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to CRS § 18-9-202 et seq.

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

805.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

If a biting dog has been killed (see Destruction of Animals section) in order to prevent further injury or death, the local board of health will be notified of the facts related to the bite and the killing, and the body of the dog will be held for release to the board of health (6 CCR 1009-1:1).

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805.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it will be transported to the appropriate shelter/holding pen.

Members will provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

805.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy will be followed.

Chapter 10 - Personnel

Evaluation of Employees

1000.1 PURPOSE AND SCOPE

The Department's member performance evaluation system is designed to record work performance for both the Department and the member, providing recognition for good work and developing a guide for improvement.

1000.2 POLICY

The Evans Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and Department member. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates Department members in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1000.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each Department member's immediate supervisor. Other supervisors directly familiar with the member's performance during the rating period should be consulted by the immediate supervisor for their input.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each Department member at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of a Department member's job performance is an ongoing process. Continued coaching and feedback provides supervisors and members with opportunities to correct performance issues as they arise.

1000.4 EVALUATION FREQUENCY

Department members are evaluated at the following frequency:

- a. Sergeants and Officers: Quarterly and Annually
- b. Commanders: Annually
- c. Non-Swon Members: Annually

1000.5 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to performance evaluations and/or performance improvement plans:

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Evaluation of Employees

Regular - An employee performance evaluation will be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an employee performance evaluation will be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation will be completed by the current supervisor with contributions from the previous supervisor.

Performance Improvement Plan (PIP) - A PIP may be initiated any time a supervisor determines one is necessary due to an assessment of employee performance that appears to have become substandard and other forms of corrective action such as verbal counseling, performance feedback forms, etc. have proven ineffective. A request for a PIP will be submitted via a memorandum outlining the substandard performance issues identified by the requesting supervisor and submitted through the chain of command to the Chief of Police who must authorize the PIP before it is initiated.

1000.5.1 RATINGS

The definition of each rating category is as follows:

Exceeds Expectations - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets Expectations - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding will be substantiated in the rater comments section.

1000.6 EVALUATION PROCESS

A supervisor evaluating a Department member will submit to the chain of command, no later than two weeks prior to the member's date of hire or date of promotion the following:

- (a) Three quarterly evaluations
- (b) Supporting documentation to justify the ratings on the evaluations (i.e. Performance Feedback forms), these can be positive or corrective in nature
- (c) Annual evaluation
- (d) If the Department member is at the top of their pay scale the evaluating Supervisor will submit a memorandum recommending what percentage merit bonus they feel the member should receive

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Evaluation of Employees

Once the evaluation packet has been received by the chain of command it will be examined for fairness and accuracy. The appropriate Division Commander and the Chief of Police will sign the annual evaluation and it will be returned to the supervisor who prepared it. Once the evaluation has been returned, the supervisor will meet with the Department member being evaluated and provide them with the evaluation along with a discussion about their performance. Department members who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period. The Department member will be provided with a copy of the evaluation, a copy will be scanned into the member's internal file, and a copy will be given to Human Resources to be placed in the member's personnel file.

Promotional and Transfer Policy

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Evans Police Department.

1001.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Presents a professional and neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Demonstrates:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives
 - 9. Skills and abilities related to the position

1001.2 CERTIFIED NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Traffic Officer
- (b) Investigator
- (c) SWAT Officer
- (d) Field Training Officer
- (e) Community Resource / School Resource Officer
- (f) Drug Task Force Investigator

1001.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years experience
- (b) Regular employee status

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Promotional and Transfer Policy

- (c) Has shown an express interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing and public relations
- (e) Completed any training required by POST, federal or state law.

1001.3 SELECTION PROCESS

The following criteria apply to transfers:

- (a) An administrative evaluation and/or testing process as determined by the Chief of Police that will include a review of supervisor recommendations. Each supervisor who has overseen or has otherwise been accountable for the candidate's performance will submit recommendations.
- (b) The supervisor recommendations will be submitted to the Commander for whom the candidate will work. The Commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Commander after the interview, the Commander will submit his/her recommendation to the Chief of Police
- (d) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1001.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Evans Human Resources Department.

1001.5 SUPERVISOR CERTIFICATE

Within one year of the effective date of assignment, all full-time first-line supervisors should complete a supervisor training course.

Grievance Procedure

1002.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against department members who file a grievance. The Department's philosophy is to promote free verbal communication between members and supervisors.

1002.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual member

Specifically excluded from the category of grievances are:

- (a) Complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment.
- (b) Complaints related to allegations of discrimination on the basis of gender, race, religion, ethnic background and other lawfully protected status or activity that is subject to the complaint options set forth in the Discriminatory Harassment Policy.
- (c) Complaints related to state workers' compensation.
- (d) Personnel complaints consisting of any allegation of misconduct or improper job performance by any department member that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaint Procedure Policy.

1002.2 PROCEDURE

Except as otherwise required, if a member believes that he/she has a grievance as defined above, the member will observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with the immediate supervisor.
- (b) If after a reasonable period of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the member may request interviews through the chain of command up to the Commander of the affected division.
- (c) If a successful resolution is not found through the chain of command, the employee may request a meeting with the Chief of Police.
- (d) If the member and the Chief of Police are unable to arrive at a mutual solution, the member will submit a written statement of the grievance and deliver one copy to

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the Chief of Police and another copy to the immediate supervisor that includes the following information:

1. The basis for the grievance (e.g., the facts of the case)
2. Allegation of the specific wrongful act and the harm done
3. The specific policies, rules or regulations that were violated
4. The remedy or goal being sought by the grievance

The member will receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

The Chief of Police will receive the written grievance. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the member within five business days. The response will be in writing and will affirm or deny the allegations. The response will include any remedies if appropriate. The decision of the Chief of Police and/or City Manager is considered final.

1002.3 PUNITIVE ACTION

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

1002.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process will be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

1002.5 GRIEVANCE AUDITS

The Commander of the affected division will 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 Commander of the affected division will 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 Commander of the affected division should promptly notify the Chief of Police.

Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a member's ability to properly perform official duties. Therefore, all members will be required to promptly notify the Department of any past and current criminal convictions.

1004.2 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 sworn members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and will promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 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.

1004.3.1 COURT ORDERS

All members will 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).

1004.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department will promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department will further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers)

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in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy will be subject to discipline.

Annually the Department will run criminal history and warrant checks on all sworn members.

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 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 will 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 will not report for duty. Affected members will notify the Sergeant 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 will be immediately removed and released from work (see Work Restrictions in this policy).

1005.3.1 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 will report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member will 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.

1005.4 MEMBER RESPONSIBILITIES

Members will 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 will not do so to the extent of impairing on-duty performance.

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Members will 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).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those 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. Members should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each member to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 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 will prevent the member from continuing work and will ensure that he/she is safely transported away from the Department.

1005.7 REQUESTING SCREENING TESTS

A supervisor may request a member to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the member is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) During the performance of his/her duties, the member drives a motor vehicle and becomes involved in a traffic accident regardless of the severity.

1005.7.1 SUPERVISOR RESPONSIBILITY

The supervisor will prepare a written record documenting the specific facts that led to the decision to request the test, and will inform the member 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 member.
- (c) The member may refuse the test, but that refusal may result in dismissal or other disciplinary action.

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1005.7.2 SCREENING TEST REFUSAL

A member may be subject to disciplinary action if he/she:

- (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.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 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, will 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 will be maintained separately from the member's other personnel files.

Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible members are detailed in the City personnel manual.

This policy is not intended to cover all types of sick or other leaves. For example, members may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq).

1006.2 POLICY

It is the policy of the Evans Police Department to provide eligible members with a sick leave benefit.

1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Members on sick leave will not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1006.3.1 NOTIFICATION

All members should notify the Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member will, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1006.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence will, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

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Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1006.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of three or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Evans Police Department. This policy will 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 will this policy apply to a criminal investigation.

1009.2 POLICY

The Evans Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

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.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints 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.

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 will not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1009.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints will be classified in one of the following categories:

Resolved - A matter in which the supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Further Inquiry - 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 through the chain of command, depending on the seriousness and complexity of the investigation

1009.3.2 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.

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- (b) Any department member becoming aware of alleged misconduct will immediately notify a supervisor.
- (c) Supervisors will initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1009.3.3 REPORTING AUTHORITY

The Internal Affairs Investigator has the authority to report matters directly to the Chief of Police when necessary.

1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.4.1 COMMENDATION COMPLAINT FORMS (EPD004)

Personnel Commendation/Complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel Commendation/Complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1009.4.2 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 will obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, will complete and submit a complaint form as appropriate. Any member receiving a complaint in person will ensure their BWC is activated.

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.

1009.5 DOCUMENTATION

Supervisors will ensure that all complaints are documented in the prescribed manner. The supervisor will ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log will include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Administrative Commander should audit the log and send an audit report to the Chief of Police or the authorized designee.

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1009.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1009.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint will rest with the member's immediate supervisor, unless the supervisor is unavailable, is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct will 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, a complaint form is completed.
 - 1. The original complaint form will be directed to the Division Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. 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 will orally report the matter to the member's Commander or the Chief of Police, 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 should be made within 5 business days of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the appropriate Commander for review.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the member's Sergeant and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (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.

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- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees:

- (a) Interviews of an accused member will be conducted during reasonable hours and preferably when the member is on-duty. If the employee is off-duty, he/she will be compensated.
- (b) Accused members will not be armed during an internal affairs interview, a pre-disciplinary hearing, or a disciplinary hearing.
- (c) Unless waived by the member, interviews of an accused member will be at the Evans Police Department or other reasonable and appropriate place.
- (d) No more than two interviewers should ask questions of an accused member during an interview.
- (e) Prior to any interview, a member should be informed of the nature of the investigation.
 - 1. The member should be informed of the ranks, names and commands of the person in charge of the interview and of all other persons to be present during the interview. The member will also be provided with EPD form 016 outlining the complaint being investigated and their rights and responsibilities
- (f) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (g) No member should be subjected to offensive or threatening language, nor will any promises, rewards or other inducements be used to obtain answers. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so. In the event a member refuses an order to answer questions the member's chain of command will be immediately notified.
- (h) If a member who is answering questions after receiving a *Garrity* advisement (EPD 0036) discusses information of a criminal nature the investigation will be discontinued.
- (i) For any interview at the level of a Preliminary Interview or higher the interviewer should record all statements of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview may be provided to the member prior to any subsequent interview, upon request.
 - 1. Upon request, the member will be provided copies of recordings, transcriptions and reports made of an interview session.
- (j) If the matter is an Internal Affairs investigation in order to maintain the integrity of each individual's statement, involved employees will not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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1. Attorneys or uninvolved representatives present during interviews will not be required to disclose any information received from the employee during the administrative investigation.
 - (k) All members will provide complete and truthful responses to questions posed during interviews.
 - (l) Information concerning administrative interviews will not be released to the public unless approved by the Chief of Police or the authorized designee.

1009.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints will be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Misconduct Not Alleged- Any misconduct during the course of the investigation that was not included in the original complaint.

Summary of Findings - Chief of Police or designee makes a determination as to the results of the investigations.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1009.6.4 DISPOSITIONS

Each personnel complaint will be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. 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 member.

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Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct

Policy Failure- The allegation is true however the actions of the the agency or member were in compliance with existing policy which led to an undesirable result; or the member's or agencies actions violated existing policy even though such actions were reasonable given the totality of the circumstances.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator will take appropriate action with regard to any additional allegations.

1009.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct will proceed with due diligence in an effort to complete the investigation within 30 days from the date of discovery by an individual authorized to initiate an investigation.

1009.6.6 NOTIFICATION TO COMPLAINANT

Supervisors should periodically communicate the status of an investigation to the complainant. Upon final disposition of a formal Internal Affairs Unit investigation and after taking into account any restrictions provided in and by Colorado law, the complaining party should be provided written notification of the outcome of the investigation.

1009.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused member to administrative leave. Any member placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Will be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The member may be required to remain available for contact at all times during such shift, and will report as ordered.

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1009.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator will be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police will be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct will be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Evans 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 should be taken until an independent administrative investigation is conducted.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report will be forwarded to the Chief of Police.

1009.10.1 CHIEF OF POLICE RESPONSIBILITIES

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police will determine if any discipline should be imposed. In the event disciplinary action is proposed, the Chief of Police will provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation will be recorded by the Department. Upon request, the member will be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police will consider all information received in regard to the recommended discipline.

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1009.11 PRE-DISCIPLINE HEARING

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee will consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response 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 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 will be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1009.12 FORMS OF DISCIPLINE

The Chief of Police will render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline will become effective.

The following methods may be considered for correcting poor job performance or misconduct:

- (a) Training
- (b) Letter of Counseling
- (c) Verbal reprimand
- (d) Written reprimand
- (e) Suspension without pay
- (f) Fine
- (g) Punitive transfer
- (h) Demotion
- (i) Reduction in pay or step
- (j) Termination

The order of the above listed methods does not imply a required sequence. The Chief of Police should determine the method of correction by considering the actions of the member.

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1009.13 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 will be noted in the file. The tender of a resignation or retirement by itself will not serve as grounds for the termination of any pending investigation or discipline.

1009.14 POST-DISCIPLINE APPEAL RIGHTS

Members have the right to appeal discipline higher than a written reprimand using the procedures established by City of Evans Policies manual.

1009.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints will be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

Seat Belts

1010.1 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.

1010.1.1 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).

1010.2 WEARING OF SAFETY RESTRAINTS

All members will wear properly adjusted safety restraints 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 will ensure that all other occupants, including non-members, are also properly restrained (CRS § 42-4-236; CRS § 42-4-237).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1010.3 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 will be transported in accordance with the Handcuffing and Restraints Policy.

1010.4 INOPERABLE SEAT BELTS

Department vehicles will not be operated when the seat belt in the driver's position is inoperable. Persons will not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts will not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who will do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system will report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1010.5 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.

1010.6 POLICY

It is the policy of the Evans Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1010.7 TRANSPORTING CHILDREN

All children younger than 8 years of age will 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-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1010.8 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.

Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Evans 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.

1011.3 ISSUANCE OF BODY ARMOR

The Administrative Commander will ensure that body armor is issued to all officers when the officer begins service at the Evans Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Commander will 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.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers will only wear agency-approved body armor.
- (b) Officers will wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor will be worn when an officer is working in uniform.
- (e) 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.

1011.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

Body Armor

1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft 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.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft 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.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1011.4 RANGEMASTER RESPONSIBILITIES

The Firearms Instructor 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.

Request for Change of Assignment

1013.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1013.2 REQUEST FOR CHANGE OF ASSIGNMENT

Members wishing a change of assignment are to complete a memorandum outlining the request. The memorandum should then be forwarded through the chain of command to the Commander.

1013.2.1 PURPOSE OF FORM

This process is designed to aid members in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this memorandum.

All assignments a member is interested in should be listed on the memorandum.

The Request for Change of Assignment memorandum will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, employees still interested in new positions will need to submit a new Request for Change of Assignment memorandum.

1013.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor will make appropriate comments in the space provided on the memorandum before forwarding it to the involved member's Commander. In the case of patrol officers, the Sergeant must comment on the request with his/her recommendation before forwarding the request to the Commander. If the Sergeant does not receive the Request for Change of Assignment memorandum, the Commander will initial the memorandum and return it to the member without consideration.

Fitness for Duty

1015.1 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.

1015.2 EMPLOYEE RESPONSIBILITIES

- (a) It will 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 will perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all members are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any member who feels unable to perform his/her duties will promptly notify a Supervisor. In the event that a member believes that another member is unable to perform his/her duties, such observations and/or belief will be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition will 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 member to perform his/her duties.
- (c) In the event the member 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 Sergeant or the member's Commander, a determination should be made whether the member should be temporarily relieved from his/her duties.
- (e) The Chief of Police will be promptly notified in the event that any member is relieved from duty.

1015.4 NON-WORK RELATED CONDITIONS

Any member 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.

Fitness for Duty

1015.5 WORK-RELATED CONDITIONS

Any member suffering from a work-related condition that warrants a temporary relief from duty will be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Sergeant or unit supervisor and with the concurrence of a Commander, any member 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 member and until such time as the following may be completed:

- (a) A preliminary determination that the member's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the member has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that a member is unfit for duty, the Chief of Police may serve that member with a written order to undergo a physical and/or psychological examination in cooperation with the Human Resources Department to determine the level of the member's fitness for duty. The order will 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 member is either fit for duty or, if not, list any functional limitations that limit the member's ability to perform job duties. If the member 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 member, 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 will be part of the member's private medical file.
- (e) Any member ordered to receive a fitness-for-duty examination will 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 member to discipline, up to and including termination.
- (f) Once a member has been deemed fit for duty by the examining physician or therapist, the member will be notified to resume his/her duties.

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- (g) If a member is deemed unfit for duty by the Department, the member may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one-day period (24-hour period)
- 30 hours in any two-day period (48-hour period)
- 84 hours in any seven-day period (168-hour period)

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.

1015.8 APPEALS

A member who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination will be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, will conform to the policy governing all Department members.

1016.1.1 MEAL PERIODS

Sworn members will remain on-duty subject to call during meal breaks. All other members are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers will request clearance from a Supervisor prior to taking a meal period. Uniformed officers will take their breaks within a reasonable distance of the City limits and will monitor their radios.

The time spent for the meal period will not exceed the authorized time allowed.

1016.1.2 15-MINUTE BREAKS

Each member is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break will be taken during each four hours of duty. No breaks will be taken during the first or last hour of a member's shift unless approved by a supervisor.

Payroll Record Procedures

1017.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages.

1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Members are responsible for the accurate and timely submission of payroll records for the payment of wages.

1017.1.2 TIME REQUIREMENTS

All members are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records will be completed and submitted to Administration no later than 11:00 a.m. on the Monday morning before the end of the pay period, unless specified otherwise.

Overtime Compensation Requests

1018.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt salaried members who work authorized overtime either by payment of wages, or by the allowance of accrual of compensatory time off. In order to qualify for either, the member must complete and submit a Personnel Action-Time Acquired form as soon as practicable after overtime is worked.

1018.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Nonexempt members are not authorized to volunteer work time to the Department. All requests to work overtime will be approved in advance by a supervisor. If circumstances do not permit prior approval, approval will be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the member by flexing a subsequent shift schedule to compensate for the time worked, rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the member to complete a request for such a period, the member will comply.

The individual member may request compensatory time in lieu of receiving overtime payment. The member may not exceed the number of hours identified in City Policy.

1018.2 REQUEST FOR OVERTIME COMPENSATION

Members will submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1018.2.1 EMPLOYEE RESPONSIBILITY

Members will complete the request immediately after working the overtime and submit it to their immediate supervisor or the Sergeant. Members submitting an overtime request for on-call pay when off-duty will submit it to the Sergeant the first day after returning to work.

1018.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned will verify that the overtime was worked before approving the request.

After the entry has been made in the member's payroll record, the overtime payment request will be forwarded to the member's Commander for final approval.

1018.2.3 DIVISIONCOMMANDER RESPONSIBILITIES

Commanders, after approving payment, will then forward the request to the Finance Department.

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1018.3 ACCOUNTING FOR OVERTIME WORKED

Members are to record the actual time worked in an overtime status. The supervisor will enter the actual time worked.

1018.3.1 VARIATION IN TIME REPORTED

Where two or more members 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 Sergeant or other approving supervisor may require each member to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1019.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department members engaging in outside employment, all members will initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment will be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Secondary / Outside employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Off-Duty Employment - Involves any member of this department who performs police services on behalf of an outside organization, company, or individual within the jurisdiction of the Evans Police Department. Such off-duty employment will be requested and scheduled directly through the designated Sergeant.

1019.2 OBTAINING APPROVAL (EVANS CITY POLICY 5.7)

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. 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 member must complete an application that will be submitted to the member's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid through the end of the calendar year in which it is approved. Any member seeking to continue outside employment will submit a new application in a timely manner.

Any member seeking approval of outside employment whose application has been denied will be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If a member's application is denied or rescinded by the Department, the member may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

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If the member's appeal is denied, the employee may file a grievance pursuant to the Grievance Policy.

1019.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the member has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the member has exhausted the appeal process.

The outside employment may be revoked:

- (a) If a member'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 member's performance. The Chief of Police may, at his/her discretion, notify the member of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the member's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.
- (b) If, at any time during the term of an approved outside employment application, a member'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.

1019.3 PROHIBITED SECONDARY EMPLOYMENT

The Department expressly reserves the right to deny any application submitted by a member seeking to engage in any activity that:

- (a) Involves the member's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the member's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the member, 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 member's duties as a member of this department.
- (c) Involves the performance of an act in other than the member'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 member of this department.

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- (d) Involves time demands that would render performance of the member's duties for this department below minimum standards or would render the member unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1019.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such off-duty overtime will be monitored by the Operations Commander.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will be required to provide for the compensation and full benefits of all members requested for such off-duty security services.
- (c) If such a request is approved, any member working outside overtime will be subject to the following conditions:
 1. The officer will wear the Department uniform/identification.
 2. The officer will be subject to all the rules and regulations of this department.
 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
 4. Compensation for such approved off-duty security services will be pursuant to normal overtime procedures.
 5. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any member making an arrest or taking other official law enforcement action while working in an approved off-duty overtime assignment will be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports will be considered incidental to the off-duty overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Commander, undercover officers or officers assigned to covert operations will not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

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1019.4 DEPARTMENT RESOURCES

Members are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This will 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.

1019.4.1 REVIEW OF FINANCIAL RECORDS

Prior to providing written approval for an outside employment position, the Department may request that a member provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the member 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 member provide his/her personal financial records for review/audit. If the member elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS (CITY POLICY 5.7)

If a member terminates his/her outside employment during the period of an approved application, the member will promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members will also promptly submit in writing to the Chief of Police any material changes in off duty employment including any change in the number of hours, type of duties or demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material will report the change.

1019.6 SECONDARY / OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty will inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status, off duty employment will immediately cease. The immediate supervisor will 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 member fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the member's application will be forwarded to the involved

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employee and a copy attached to the original employment application. The revocation process outlined in this policy will be followed.

Criteria for revoking or suspending an approved outside employment application while on disability status or administrative leave includes, but is not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, 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 member.
- (c) The member's failure to make timely notice of his/her intentions to his/her Supervisor.
- (d) The outside employment is not compatible with the reason the member is on administrative leave.

Occupational Disease and Work-Related Injury and Death Reporting

1020.1 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.

1020.1.1 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 that 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.

1020.2 POLICY

The Evans 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.).

1020.3 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting will be documented on the designated first report of injury form, which will be signed by a supervisor. A copy of the completed form will be forwarded to the appropriate Commander through the chain of command and a copy sent to the City's risk management office.

Unless the injury is extremely minor, this report will be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1020.4 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member will take no action other than to submit a written report of this contact to his/her supervisor who will notify the City Attorney as soon as possible.

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Occupational Disease and Work-Related Injury and Death Reporting

1020.4.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member will provide the Chief of Police with written notice of the proposed terms of such settlement. In no case will the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, members will maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1021.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards will apply to all members, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1021.2.1 HAIR

Hairstyles of all members will be neat in appearance. For male certified officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female certified officers, hair must be no longer than the horizontal level of the bottom of the uniform shoulder patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

1021.2.2 SIDEBURNS

Sideburns will not extend below the bottom of the outer ear opening (the top of the earlobes) and will be trimmed and neat.

1021.2.3 FACIAL HAIR

Employees may grow a mustache, goatee, or beard. Beards can be grown at any time. Stubble or an unshaven look is only allowed during the time the beard is growing out. Beards shall be neat, clean and trimmed at all times. It will be trimmed along the neck, throat, and cheekbones and will not exceed 1" in length. Beards will be worn with a mustache. If the supervisor feels that a beard does not meet the limits of this policy, or if he/she feels a person does not have the potential of maintaining a professional appearance (scraggly, patchy or sparse), or that a person is not keeping their beard properly trimmed and uniform in appearance with others, he/she will request it be shaved. Mustaches alone may not extend below the lower lip. Facial hair may not be grown in a manner that interferes with the proper deployment of a gas mask. Extreme styles such as a Fu Manchu, handlebar, goatee without a mustache, or soul patch (which is just a small patch or strip of hair just below the lower lip) are prohibited.

1021.2.4 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails will be trimmed so that no point of the nail extends beyond the tip of the finger.

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1021.2.5 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments will be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, will not be visible above the shirt collar.

Earrings will not be worn by uniformed certified officers, investigators or special assignment personnel without permission of the Chief of Police or the authorized designee. Only one ring may be worn on each hand of the member while on-duty.

1021.3 TATTOOS

While on-duty or representing the Department in any official capacity, members will not display tattoos or other body art visible on the head, neck or face. At no time while on-duty or representing the Department in any official capacity, will any tattoo or body art be visible that is offensive in nature. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related or obscene language. All body art that a department member intends to have visible while representing the Evans Police Department must first be approved by the Chief of Police. Written authorization of the body art will be noted in the member's working file. Department members intending to add body art are strongly encouraged to seek prior approval from the Chief of Police before having it applied.

1021.4 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) Tongue splitting or piercing
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification

Police Uniform Regulations

1022.1 PURPOSE AND SCOPE

The uniform policy of the Evans Police Department is established to ensure that uniformed officers, special assignment personnel and non-sworn members will be readily identifiable to the public through the proper use and wearing of Department uniforms. Members should also refer to the following associated policies:

- Duty Firearms Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The Evans Police Department uniform specifications and procedures are maintained and periodically updated by the Chief of Police or the authorized designee and should be consulted regarding authorized equipment and uniform specifications.

The Evans Police Department will provide uniforms for all members who are required to wear them in the manner, quantity and frequency pursuant to policy.

1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police officers wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment will be maintained in a serviceable condition and will be ready at all times for immediate use. Uniforms will be neat, clean and appear pressed.
- (b) All peace officers of this department will possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Members will wear only the uniform specified for their rank and assignment.
- (d) Members will not loan any portion of the uniform to non-department members.
- (e) Members will not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures, which are maintained separately from this policy.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to the Evans Police Department uniform specifications and procedures.
- (h) Civilian attire will not be worn in combination with any distinguishable part of the uniform.

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- (i) 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.
- (j) If the uniform is worn in transit when driving other than a marked vehicle, an outer garment should be worn over the uniform shirt so as not to bring attention to the member while off-duty.
- (k) Members are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.
- (l) Mirrored sunglasses will not be worn with any Department uniform.
- (m) Visible jewelry, other than those items listed below, will not be worn with the uniform, unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wrist watch
 - 2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet
 - 4. One pair of studded earrings for female officers

1022.2.1 DEPARTMENT OFFICE-ISSUED IDENTIFICATION

The Department issues each member an official Department identification card bearing the member's name, identifying information and photo likeness. All members will 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, members will 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 Commander.

1022.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1022.3.1 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 is required for all certified officers. The Class A uniform includes the standard issue uniform with the following:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

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1022.3.2 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 black, crew neck undershirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Polished shoes; approved all-black unpolished shoes may be worn.
- (e) Boots with pointed toes are not permitted.

1022.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as , SWAT, bicycle patrol, and other specialized assignments.

1022.3.4 FOUL WEATHER GEAR

The uniform and equipment specifications manual lists the authorized uniform jacket and rain gear.

1022.4 INSIGNIA AND PATCHES

- (a) The authorized shoulder patch supplied by the Department will be machine stitched to the sleeves of all uniform shirts and jackets, 3/4 of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe will be sewn 1 1/2 inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, will be worn at all times while in uniform. The nameplate will display the member's first initial and last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate will be worn and placed above the right 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.
- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate will be affixed to the jacket in the same manner as the uniform.
- (e) Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police or the authorized designee.
- (f) The department-issued 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

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or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

- (g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or the authorized designee may authorize exceptions.

1022.4.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever 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 14th day after the death.
- (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.

1022.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All members will wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work will wear button-style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work will wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items will not be worn on-duty:
 1. T-shirt alone
 2. Open-toed sandals or thongs
 3. Swimsuit, tube tops or halter tops
 4. Spandex type pants or see-through clothing
 5. Distasteful printed slogans, buttons or pins

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6. Denim pants of any color
 7. Shorts
 8. Sweatshirts, sweatpants or similar exercise clothing - except during specialized training.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the member'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 Evans Police Department or the morale of the members.
- (g) Certified members carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Evans Police Department members 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 member, or identify him/herself as a member of the Evans 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

1022.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the uniform and equipment specifications manual as optional will be purchased at the expense of the employee.
- (b) Maintenance of optional items will be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional will be done as follows:
 1. When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the member's duties, it may be replaced following the procedures for the

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replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Evans Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

Evans Police Department members may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

Nepotism and Employment Conflicts

1023.1 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.

1023.1.1 DEFINITIONS

Definitions related to this policy include:

Relative - A member'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 a member, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the member'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 - A member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Subordinate - A member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1023.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between members, the following restrictions apply:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member 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 will make every reasonable effort to defer matters involving the involved member 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

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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.

- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed.
- (d) To avoid actual or perceived conflicts of interest, members of this department will 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 will 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.

1023.2.1 EMPLOYEE RESPONSIBILITIES

All members are required to adhere to state guidelines and to disclose of conflicts of interest as required by law (Colo. Const. art. XXIX; CRS § 18-8-308; CRS § 24-18-104; 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 member will promptly notify his/her uninformed, immediate supervisor.

Whenever any member is placed in circumstances that would require the member to take enforcement action or provide other official information or services to any relative or other individual with whom the member is involved in a personal or business relationship, the member will promptly notify his/her uninformed immediate supervisor. In the event that no uninformed supervisor is immediately available, the member will promptly notify Dispatch to have another uninformed member either relieve the involved member or minimally remain present to witness the action.

1023.2.2 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 will take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors will also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Department Badges

1024.1 PURPOSE AND SCOPE

A Evans Police Department badge and uniform patch as well as the likeness of these items and the name of the Evans Police Department are property of the Department and their use will be restricted as set forth in this policy.

1024.2 POLICY

The uniform badge will be issued to Department members as a symbol of authority. The use and display of Department badges will be in strict compliance with this policy. Only authorized badges issued by this department will be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1024.2.1 FLAT BADGE

Certified officers, with the written approval of the Chief of Police or the authorized designee, 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 Department policy as the uniform badge.

- (a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Evans 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 will make the proper notifications as outlined in the Department-Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her department issued badge upon retirement so long as they are retiring in good standing.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1024.2.2 CIVILIAN NONSWORN PERSONNEL

Badges and Department identification cards issued to non-sworn personnel will be clearly marked to reflect the position of the assigned employee (e.g. Community Service Technician).

- (a) Non-sworn members will not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Non-sworn members will not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a certified officer.

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Department Badges

1024.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may keep their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1024.3 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 will be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees and non-sworn uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name will 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 will be subject to approval by the Chief of Police or the authorized designee.

Employees will not loan the badge or identification card to others and will not permit the badge or identification card to be reproduced or duplicated.

Temporary Modified-Duty Assignments

1025.1 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 members under federal or state law, or City rules. 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 member with a temporary or permanent disability that is protected under federal or state law.

1025.2 POLICY

Subject to operational considerations, the Evans Police Department may identify temporary modified-duty assignments for members who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the member to work, while providing the Department with a productive member during the temporary period.

1025.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to members with work-related injuries or illnesses that are temporary in nature. Members having disabilities covered under the Americans with Disabilities Act (ADA) or the Colorado Anti-Discrimination Act (CADA) will be treated equally, without regard to any preference for a work-related injury (CRS § 24-34-401 et seq.).

No position in the Evans Police Department will be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not a member 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 member's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict members 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.

Temporary modified-duty assignments will generally not exceed a cumulative total of 1,040 hours in any one-year period.

1025.4 PROCEDURE

Members may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Temporary Modified-Duty Assignments

Members seeking a temporary modified-duty assignment should speak with their direct supervisor. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the member can safely perform the duties of the temporary modified-duty assignment.

The Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the member. The Chief of Police or the authorized designee will confer with the Human Resources Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Sergeant or Commander, with notice to the Chief of Police.

1025.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to members assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the member's medical appointments, as mutually agreed upon with the Commander.

1025.5.1 MEMBER RESPONSIBILITIES

The responsibilities of members 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.
- (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.
- (d) Submitting a written status report to the Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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Temporary Modified-Duty Assignments

1025.5.2 SUPERVISOR RESPONSIBILITIES

The member's immediate supervisor will monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors will include, but not be limited to:

- (a) Periodically apprising the Commander of the status and performance of members assigned to temporary modified duty.
- (b) Notifying the Commander and ensuring that the required documentation facilitating a return to full duty is received from the member.
- (c) Ensuring that members returning to full duty have completed any required training and certification.

1025.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, members will be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning a member to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 PREGNANCY

If a member is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the member will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k); CRS § 24-34-401 et seq.). A pregnant member will not be involuntarily transferred to a temporary modified-duty assignment.

1025.7.1 NOTIFICATION

Pregnant members 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 member to take a leave of absence, such leave will be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1025.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Members assigned to temporary modified duty will 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. Members who are assigned to temporary modified duty will inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1026.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with member use of social networking sites and to provide guidelines for the regulation and balance of member 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 a member from speaking as a private citizen or officer associations, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1026.1.1 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.

1026.2 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 members 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 Evans Police Department will carefully balance the individual member's rights against the organization's needs and interests when exercising a reasonable degree of control over member speech and expression.

1026.3 SAFETY

Members 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 Evans Police Department members, such as posting personal information in a public forum, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any member, a member's family or associates. 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.

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Employee Speech, Expression and Social Networking

- Otherwise disclosing where another officer can be located off-duty.

1026.4 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, a member speaking as a private citizen, 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 Evans Police Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Evans Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Evans Police Department or its members. Examples include statements that indicate disregard for the law or the state or U.S. Constitution; expression that demonstrates support for criminal activity; participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members 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 members by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Evans Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial gain, or data classified as confidential by state or federal law, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Evans Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

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Employee Speech, Expression and Social Networking

- (h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment.

In addition, an employee is required to take reasonable and prompt action to remove any content that is in violation of this policy, whether posted by the employee and/or others, from any web page or website maintained by the member (e.g., social or personal website).

1026.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or officer associations, employees may not represent the Evans Police Department or identify themselves in any way that could be reasonably perceived as representing the Evans Police Department in order to do any of the following, unless specifically authorized 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

Additionally, when it can reasonably be construed that a member, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group) is affiliated with this department, the member will give a specific disclaiming statement that any such speech or expression is not representative of the Evans Police Department.

Members retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, or officer associations, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Members 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).

1026.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, 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 (see the Information Technology Use Policy for additional guidance).

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Employee Speech, Expression and Social Networking

1026.6 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.

1026.7 TRAINING

Subject to available resources, the Department should provide training regarding member speech and the use of social networking to all members of the Department.

Personal Services

1027.1 EVANS POLICE DEPARTMENT PERSONAL SERVICES

The Evans Police Department provides resources within the organization to assist members with professional, psychological, and spiritual counseling.

The following resources are available to all members to provide counseling and assistance for stress or matters relating to their moral and spiritual welfare.

1027.2 EMPLOYEE ASSISTANCE PROGRAM

An Employee Assistance Program is a City offered employee benefit intended to help employees deal with personal problems that might adversely impact their work performance, health, and well-being. Employee Assistance Programs include services such as assessments, short-term counseling, articles and information on quality of life issues and referral services for employees and their household members.

Employee Connect is the provider for the City Employee Assistance Program. Employee Connects' telephone number is (877) 757-7587. Members may access the Employee Connect website at www.eapadvantage.com. Use the password "connect" to access the website.

Employee Connect also provides referral services within the City medical insurance benefits. For those employees on the City's medical insurance plan, out-patient mental and behavioral health services are also available at in-network co-pay rates.

1027.3 PSYCHOLOGICAL SERVICES

Members wishing to use Psychological Services may do so by the following procedure:

- Telephone the Department Psychologist at (303) 986-0026 (office) or (303) 882-2547 (cell) for an off-duty appointment.
- The hours in a crisis situation are 24 hours a day and immediate service will be available as indicated.
- Non-crisis situations will be handled in the same manner.
- The location of the Department Psychologist's independent and private office is, Dr. Kenyon Jordan, Ph. D., 7700 East Arapaho Road, Suite 240, Englewood, CO 80112

1027.4 AVAILABLE SERVICES

Psychological Services are available to provide consultation/referral regarding psychiatric treatments.

Other functions of Psychological Services will be to provide training services to the EPD at certain in-service training programs within the Department.

Psychological Service will not be involved in promotional oral boards or examinations.

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Law Enforcement Services Manual

Personal Services

1027.5 SERVICE COST

Costs and fees associated with services are based on current contracts with the Psychological Services provider.

Any medical/psychiatric consultation, medication, psychiatric hospitalization, in-patient drug/alcohol treatment will continue to be reimbursed through employee insurance programs to the extent of coverage provided by the health insurance provider.

1027.6 SERVICE CONFIDENTIALITY

The psychologist will keep independent and private clinical records which are not available to the department and the department will not be aware of the identity of any individual seen or the content of the consultation/counseling records, unless a release of such records is signed by that specific client.

1027.7 CHIEF OF POLICE'S AUTHORITY TO ORDER MEMBER CONSULTATION/ EVALUATION

The Chief of Police may request that Psychological Services provide a consultative evaluation of a member if it has been determined that it is appropriate to order that member to submit to examination.

In such a case, psychologist/client confidentiality will not be available and this will be explained to the member at the outset of the consultation. The findings, results and recommendations of the consultative evaluation will be forwarded to, and become the property of the Chief of Police and Human Resources.

It is anticipated and expected that such mandatory evaluations will be rare in occurrence and voluntary referral for consultation will be the procedure of choice.

Release of information will be of a specific nature and will automatically expire within sixty days unless the member withdraws the specific authorization, in writing, prior to the expiration date.

Prohibited Activity

1029.1 ABUSE OF POSITION

Members will not use their official position, official identification cards or badges for personal or financial gain or benefit, or for any other purpose which would tend to create the appearance of impropriety.

Members will not lend to or knowingly allow another person to utilize their identification cards, badges or other departmentally owned equipment, or permit them to be photographed or reproduced without the approval of the Chief of Police.

Members will not authorize the use of their names, photographs, or official titles which identify them as members in connection with testimonials or advertisements of any commodity or commercial enterprise without approval of the Chief of Police.

1029.2 SOLICITATION AND ACCEPTANCE OF GRATUITIES

The Department and members must exercise discretion concerning the receipt of goods or services to establish and maintain the highest possible levels of credibility and ethical standards which are incumbent upon the law enforcement profession.

Members will not solicit or accept from any person, business or organization any gift, gratuity, money or other benefit or other thing of value (including food, beverage or entertainment) either for services rendered pursuant to their duties as members or expected preferential treatment because of their capacity as employees of the Evans Police Department, except:

- (a) Lawful salary
- (b) Goods or services offered to other occupations or the general public besides law enforcement personnel as part of a marketing technique, e.g., entertainment passes or discounts offered through Credit Unions or other businesses.
- (c) Acceptance of food or beverage during the performance of duty, with no expectation by the members of preferential treatment, is permitted when offered as refreshment during the investigation of a reported offense or during or in conjunction with meetings, etc.

Acceptance of free food at fast food establishments, restaurants, coffee shops or convenience stores is prohibited under any circumstance. Solicitation is prohibited at all times.

Food, beverages or floral arrangements offered to members of the Department at large may be accepted with the permission of the Chief of Police.

- (d) Complimentary gifts provided to other organizations besides the Police Department will not be prohibited, e.g. appointment books, calenders, etc.

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Law Enforcement Services Manual

Prohibited Activity

1029.3 ASSOCIATIONS

Members will avoid regular or continuous associations or dealings with persons whom they know or reasonably should know are under criminal investigation or charges, or who have had a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties or where unavoidable because of geographic or other personal family relationships of the members.

Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any pending case which has come to their attention or which arose out of their departmental employment except as may be specifically authorized by the Chief of Police.

Members have the right to form, join, support, participate in, or abstain from employee organizations, and their lawful activities.

1029.4 INTERVENTION

Members will not knowingly interfere with cases being handled by other members of the Department or by any other governmental agency unless ordered to intervene by a superior officer; or the intervening member believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action. Members will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate police action.

1029.5 POSSESSION OF KEYS

No member, unless authorized by their commanding officer, will possess keys to any business premise not their own. No member may possess any departmental keys not expressly issued to them and when there is no need to possess those departmental keys to perform their duties.

1029.6 ENDORSEMENTS AND REFERRALS

Members will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service, e.g., - an attorney, ambulance service, towing service, bondsman, mortician, alarm products. In the case of an ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, members will proceed according to established departmental procedures.

1029.7 PAYMENT OF DEBTS

Members will not undertake any financial obligations which they know or reasonably should know they will be unable to meet, and will pay all just debts when due. Filing for a voluntary bankruptcy petition will not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster will not be cause for discipline, provided a good faith effort to settle all accounts is being undertaken. Members will not co-sign a note for any superior officer.

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Law Enforcement Services Manual

Prohibited Activity

1029.8 VISITING PROHIBITED ESTABLISHMENTS

Except in the performance of duty and while acting under proper and specific orders from a superior officer, members will not knowingly visit, enter or frequent an establishment wherein the laws of the United States, the State or the local jurisdiction are being violated.

1029.9 CONSTITUTIONAL REQUIREMENTS

When conducting criminal investigations, members should be conscious of the fact that their procedures will be scrutinized by the courts. It is incumbent upon each member to stay abreast of court decisions that relate to police investigative conduct

Members will not make any arrest, search or seizure which they know or reasonably should know is not according to established legal precedent or statutory law.

Members will follow all established constitutional guidelines and requirements pertaining to interrogations of individuals suspected of criminal activity. The obtaining of a confession or admission by means of coercion, duress, threats or promises by any member will not be tolerated by this department.

No member will refuse a suspect the right of counsel, when requested, during any investigation or interrogation

No member will in any manner delay for any reasons the appearance of any individual accused of a criminal offense before an appropriate magistrate.

When an accused person waives their rights, it is the responsibility of the investigating member to ensure that the accused person's waiver was made "voluntarily, knowingly, and intelligently".

Duty Status of Members

1030.1 DUTY STATUS OF MEMBERS

Members are expected to report for duty in a physical and mental condition conducive to performing the duties and responsibilities of their position. When circumstances arise preventing a member from performing assigned tasks, the appropriate command officer may alter the member's duty status.

1030.2 FULL DUTY STATUS

Members are considered to be at full duty status when no legal, physical or administrative limitations exist preventing the member from performing the normal duties of their position.

1030.3 LIGHT DUTY STATUS

Members that sustain a performance limiting injury or medical condition either on-duty or off-duty will report the condition in an expeditious manner to their immediate supervisor. If the injury or medical condition inhibits the member's ability to safely perform the duties of their position, the member may be placed on a light duty status.

Members may request a light duty work status within the Department in lieu of expending "Sick Time" or "Injury Leave." All requests for light duty status must be approved by the appropriate Command Officer. Light duty assignments are based on the needs of the Department and are not guaranteed.

When a member is assigned to a light duty status that is anticipated to exceed 8 working days, a personnel order will be issued detailing the member to a specific assignment.

At a minimum, the appropriate Command Officer will conduct a monthly progress review of all members on light duty status within his/her command.

A member's authorization to carry a weapon while assigned to light duty status will be evaluated on a case-by-case basis by the appropriate Command Officer.

1030.4 WORK RELATED INJURIES

Members injured in the course of duty, will be evaluated periodically by the one of the City of Evans' contracted Workers' Compensation doctors. Medical progress reports will be forwarded to the Human Resources and Risk Management Department and to the member's Command Officer. The Human Resources and Risk Management Department maintains files for member's medical related records.

1030.5 NON-WORK RELATED INJURIES

Members requesting light duty status as a result of a non-duty related injury will be required to submit a completed Light Duty Diagnosis Report (EPD 023) from their physician to the Human Resources and Risk Management Department. The Human Resources and Risk Management

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Duty Status of Members

Department will review the report and relay job related information to the Command Officer. If light duty status is approved by the Command Officer, the member will be required to report to the Human Resource Director to sign a Medical Release form. The medical release authorizes the Human Resources and Risk Management Department to obtain information limited to the specific injury or illness causing the member's inability to perform at full capacity.

The member is required to submit to the Human Resources and Risk Management Department additional Light Duty Diagnosis Reports completed by his/her physician as needed. All reports will be included in the member's medical file. Expenses related to the treatment of the injury/illness and office visits for progress reports are the responsibility of the member. The Human Resources and Risk Management Department will relay to the supervisor job related information which may be in turn be used to adjust assignments and for the monthly light duty reporting.

1030.6 MODIFIED DUTY

When a legal or administrative action limits a member from performing his/her normal duties, the member is expected to immediately report the limits to his/her immediate supervisor. The supervisor will ensure the chain of command is promptly notified. The appropriate Command Officer will review the actions and determine what actual limitations to duty exist for the member and impose those limitations. Duty assignments under the determined limitations may include, but are not limited to:

- Unarmed duty assignment
- Remedial training program
- Non-driving assignment

The reviewing Command Officer will notify the Chief of Police of the status of the member.

At a minimum, the appropriate Command Officer will conduct a monthly progress review of all members on light duty status within his/her command.

1030.7 SUSPENSION

A suspension is an administrative action. Suspensions may be levied with pay or without pay.

Within the Department, only the Chief of Police or designee has the authority to suspend a member.

1030.8 WORK RESTRICTIONS

Members working in a light duty capacity will not wear a police uniform or display a police badge.

Members working light duty are restricted from driving marked police vehicles, conducting official business in public or engaging in any official activity outside the police department without approval of their immediate supervisor. The Supervisor will ensure assignments given to members that are unarmed or on light duty will not place the member in jeopardy.

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Law Enforcement Services Manual

Duty Status of Members

1030.9 MEDICAL RECORDS

All medical records must be stored separately from personnel files to include supervisor's working files. Supervisors receiving medical reports from subordinates will forward those reports to the Human Resources and Risk Management Department for inclusion in the member's medical file.

1030.10 FAMILY MEDICAL LEAVE ACT

Employees requesting information on Family Medical Leave Act may contact their supervisor or the Human Resources and Risk Management Department.

Attachments

OATH OF OFFICE 081016.pdf

pursuit.pdf

notificationMTX.pdf

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Law Enforcement Services Manual

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