I

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT

The Fountain Police Department provides our community with the most effective and efficient customer service available in order to reduce crime and increase public safety with the ultimate goal of improving the quality of life for our all our citizens.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER AUTHORITY

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

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE FOUNTAIN POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Fountain Police Department includes (CRS § 16-3-102):

(a) In compliance with an arrest warrant.

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

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE FOUNTAIN POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Fountain Police Department includes:

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

(b) When the officer is in fresh pursuit from within the jurisdiction of the Fountain Police Department and any of the following conditions exist (CRS § 16-3-106):

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

(c) When officers are accompanied by law enforcement officers who have the authority to make an arrest in that jurisdiction, are present at the scene of the arrest and participate in the arrest process (CRS § 16-3-202).

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

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

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

100.4 FEDERAL RESERVATIONS

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152, except in the following circumstances:

(a) A crime was committed by an Indian against the person or property of another Indian.

(b) An Indian who committed an offense has been punished by the local law of the tribe.

(c) An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

An officer of the Fountain Police Department has exclusive jurisdiction over a crime committed on Indian reservations by a non-Indian against another non-Indian absent treaty provisions to the contrary.

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.6 POLICY

It is the policy of the Fountain 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.

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Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

It is the policy of the Fountain 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.

104.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. Prior to assuming the duties of a peace officer, certified members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Colo. Const. art. XII, § 8).

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

104.3.1 CANON OF ETHICS

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

104.4 MAINTENANCE OF RECORDS

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

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Fountain 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.

106.1.1 DISCLAIMER

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

106.2 POLICY

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

106.2.1 DISCLAIMER

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

106.2.2 STAFF

The staff shall consist of the following:

- Chief of Police
- Deputy Chief

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- Police Administrator

The staff shall review all recommendations regarding proposed changes to the manual.

106.2.3 OTHER PERSONNEL
All employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the police Administrator, who will consider the recommendation and forward it to staff.

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

106.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

- Departmental Directive may be abbreviated as "DD."
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X."

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

Adult - Any person 18 years of age or older.

City - The City of Fountain

CCR - Code of Colorado Regulations

CDPS - The Colorado Department of Public Safety

CFR - Code of Federal Regulations

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

CSP - Colorado State Patrol

Department/FPD - The Fountain 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 Fountain Police Department Policy Manual

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May - Indicates a permissive, discretionary or conditional action.

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

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

On-duty - Employee 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.

USC - United States Code

106.3.3 DISTRIBUTION OF MANUAL
Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Deputy Chief
- Police Administrator
- Administrative Assistant

An electronic version of the Policy Manual will be made available to all employees on the Department network. The electronic version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CCR - Code of Colorado Regulations.

CFR - Code of Federal Regulations.

City - The City of Fountain.

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

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Department/FPD - The Fountain 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 Fountain Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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.

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

USC - United States Code.

106.4.1 REVISIONS TO POLICIES
All employees are responsible for keeping abreast of all Policy Manual revisions. The Police Administrator will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return e-mail and shall review the revisions and seek clarification as needed.

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

106.4.2 PERIODIC REVIEW OF THE POLICY MANUAL
At least annually, the Chief of Police will cause the entire manual to be reviewed and updated as necessary to ensure the Policy Manual conforms to the actual operation of the Department and complies with Colorado law.

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

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.

106.6 PERIODIC REVIEW OF THE POLICY MANUAL
The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

106.7 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 Deputy Chief 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 Deputy Chiefs, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administration Division
- Patrol Division
- Investigation Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Police Administrator, 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 custodian of records. The Administration Division consists of Technical Services and Administrative Services.

Annually, the Police Administrator shall develop a budget and submit it to the Chief of Police.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by the Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol, Investigations, and Special Operations, which includes Traffic, Canine, and Reserves.

200.2.3 INVESTIGATIONS UNIT

The Investigations Unit is commanded by the Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Investigations Unit. The Investigations Unit consists of the Detective Sergeant, the Senior Detective, and Detectives.

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 Deputy Chief will 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) Deputy Chief

(b) Lieutenant

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(c) Sergeant

(d) Corporal

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

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

200.4 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities commensurate with the member's assigned position within the Department and will have the delegated authority necessary to effectively execute those responsibilities. Each member will be held accountable for the appropriate application of that delegated authority.

200.5 PATROL STAFFING

The Patrol Deputy Chief should conduct a workload assessment to determine patrol-staffing needs. In conducting the assessment, the Deputy Chief should consider:

(a) The number and types of incidents (e.g., calls for service, investigation of criminal and non-criminal acts, apprehension of criminal offenders) handled by patrol personnel during the specified period (e.g., an eight-hour shift).

(b) The average time required to handle an incident at the patrol level.

(c) The average percentage of uncommitted time that should be available to the patrol officer during a specified period.

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

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Departmental Directive and Special Orders

204.1 PURPOSE AND SCOPE

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

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual, as required upon approval of the staff. 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 shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 11-01 signifies the first Departmental Directive for the year 2011.

204.1.2 SPECIAL ORDERS PROTOCOL

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

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

204.3 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. E-mail receipts showing an employee’s acknowledgement will be maintained by the Police Administrator.

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Emergency Management Plan

206.1 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.

206.2 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.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Fountain 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.

206.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the plan are available in Administration, the Patrol Lieutenant's office and in the Communications Center. 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.

206.4 UPDATING THE PLAN

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

206.5 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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206.6 PLAN TRAINING

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

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Training

208.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

208.2 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 members.

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

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

208.3 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan shall include a systematic and detailed method for recording all training for all members. The plan shall include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all training requirements.

208.3.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies:

(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training:

1. Officers must successfully 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.

   (a) 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; CRS § 30-10-501.6 (1)).

2. DNA evidence collection (CRS § 24-31-311) (once)

3. Eyewitness identification training (CRS § 16-1-109)

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4. Annual completion of any additional training required by POST (CRS § 24-31-315; CRS § 24-31-319; CRS § 30-10-501.6)
5. Officer-involved shooting and critical incident pre-incident preparation training as required by CRS § 16-2.5-403

(c) Department-mandated training:

1. Emergency Operations Plan (supervisors every two years)
2. CPR/First aid refresher (every two years)
3. Pursuit driving (all certified employees yearly)
4. Firearms training (all certified employees quarterly)
5. Defensive tactics (all certified employees yearly)
6. TASER device, impact weapon, chemical weapon, or other kinetic energy 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)

208.4 TRAINING COMMITTEE

The Training Manager may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee shall be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Manager may remove or replace members of the committee at the Training Manager's discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Review Board should review include but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury, or civil liability.

(c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Manager to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

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The Training Manager will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources. Training recommendations as determined by the Training Manager shall be submitted to the command staff for review.

208.5 TRAINING ATTENDANCE

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

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation.
5. Emergency situations or department necessity.

(b) Any member who is unable to attend training, as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document the absence in a memorandum to the member's supervisor.
2. Make arrangements through the member's supervisor or the Training Manager to attend the required training on an alternate date.

208.6 DAILY TRAINING BULLETINS

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

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

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time and 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-enabled computer, members shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

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

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208.7 TRAINING RECORDS

The Training Manager is responsible for the creation, filing and storage of all training records. Training records shall be retained in compliance with the established records retention schedule.

208.8 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the Colorado Police Officer Standards and Training Board (POST) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

208.9 TRAINING MANAGER

The Chief of Police shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

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Electronic Mail

212.1 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.

212.2 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.

212.3 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 Deputy Chief. 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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212.4 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.

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Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 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.

214.3 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. 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.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police, Deputy Chief, or Police Administrator.

214.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police, Deputy Chief, or Police Administrator.

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Supervision Staffing Levels

216.1 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.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in scheduling at least one supervisor on-duty whenever possible.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a sergeant or corporal.

With prior authorization from the Deputy Chief or Lieutenant, an officer may act as the Shift Sergeantfor a limited period of time.

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Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Fountain Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Colorado law (18 USC § 926C).

220.2 POLICY

It is the policy of the Fountain Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

220.3 LEOSA

The Chief of Police should issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Fountain Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

220.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) Is in possession of photographic identification that identifies him/her as having been employed as a law enforcement officer and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Colorado law or by a private person or entity on his/her property if such prohibition is permitted by Colorado law.

220.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Patrol Lieutenant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

220.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable Department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check (including National Crime Information Center (NCIC) and Criminal Justice Information Services (CJIS) queries) indicating that he/she is not prohibited by law from receiving or possessing a firearm (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

(e) Pay a fee not to exceed the direct and indirect costs for issuing the card (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

220.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

The former officer shall be provided a written statement setting forth the reason for a denial or revocation (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

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220.6 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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Concealed Handgun Permit

221.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory authority to issue a permit to carry a concealed handgun to residents within the community. This policy will provide a written process for the application, issuance, distribution, suspension and/or revocation of such permits and the dissemination of information related to such permits (CRS § 18-12-201 and CRS § 18-12-206(4)).

221.2 QUALIFIED APPLICANTS

In order to apply for a permit to carry a concealed firearm, an applicant must meet the following requirements (CRS § 18-12-203):

(a) Be a legal resident of the State of Colorado

(b) Be at least 21 years of age

(c) Is not ineligible to possess a firearm pursuant to CRS § 18-12-108 or federal law

(d) Has not been convicted of perjury under CRS § 18-8-503, in relation to information provided or deliberately omitted on a permit application submitted pursuant to state law

(e) Does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired

1. An exception would apply if the applicant provides an affidavit signed by a licensed professional counselor that the applicant has refrained from using alcohol for at least three years.

(f) Is not an unlawful user of, or addicted to, any controlled substance

(g) Is not subject to:

1. A protection order that is in effect at the time the application is submitted
2. A permanent protection order
3. A temporary protection order that is in effect at the time of the application

(h) Demonstrates competence with a handgun by submitting:

1. Evidence of experience with a firearm through participation in organized shooting competitions or current military service
2. Evidence that, at the time the application is submitted, the applicant is a certified instructor
3. Proof of an honorable discharge from a branch of the United States armed forces within three years preceding submittal of the application

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4. Proof of an honorable discharge from a branch of the United States armed forces that reflects pistol qualifications obtained within the 10 years preceding submittal of the application
5. A certificate showing retirement from a Colorado law enforcement agency that reflects pistol qualifications obtained within 10 years preceding submittal of the application; or
6. A training certificate from a handgun training class obtained within 10 years preceding submittal of the application

221.3 APPLICATION PROCESS

The following elements are required to process an application:

(a) Application forms shall be furnished by the Department upon request.

(b) The application will be completed in its entirety.

(c) Appropriate application and fingerprint fees are paid as allowed by law.

(d) Documentary evidence of handgun competency

(e) Full head color photograph

(f) Fingerprints as required

(g) Upon receipt of an application for a permit, an investigation and background check of the applicant to determine if he/she is eligible shall be conducted (CRS § 18-12-205).

The permit shall be issued to the applicant unless he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to state law (CRS § 18-12-203(1)).

The permit and the contents contained therein shall meet all state requirements and be good for a period of five years (CRS § 18-12-204).

221.3.1 DENIED APPLICATION

Regardless of whether the applicant meets the criteria above, the permit may be denied on the grounds that there is a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to him/herself or others (CRS § 18-12-203(2)).

221.4 TEMPORARY EMERGENCY PERMITS

State law does not prohibit issuing a temporary emergency permit. A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid (CRS § 18-12-209).

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221.5 APPLICATION FOR RENEWAL

To renew a concealed handgun permit, the permittee must complete and submit a renewal application within 120 days of expiration to the Chief of Police. The Chief of Police will issue a renewal if all statutory provisions are met (CRS § 18-12-211).

Prior to renewing any permit that was issued by another agency, the Chief of Police or the authorized designee shall contact the issuing agency to confirm whether the permit has been revoked or suspended (CRS § 18-12-209; CRS § 18-12-211).

221.6 PERMIT ISSUED IN ANOTHER STATE

A permit to carry a concealed handgun that is issued by a state that recognizes the validity of permits issued pursuant to Colorado law shall be valid in this state in all aspects as a permit issued pursuant to CRS § 18-12-201, et seq., if the permit is issued to a person who is:

(a) Twenty-one years of age or older, and

(b) A resident of the state that issued the permit, as demonstrated by the address stated on a valid picture identification issued by the state that issued the permit and is carried by the permit holder, or

(c) A resident of Colorado for no more than 90 days, as determined by the date of issuance on valid picture identification issued by Colorado and carried by the permit holder.

221.7 SUSPENDING OR REVOKING PERMITS

If the Chief of Police has a reasonable belief that a permittee no longer meets the criteria required under state or federal law, the Chief of Police shall suspend the permit until it is determined that the permittee is eligible to possess a permit (CRS § 18-12-203(3)(b)).

The Chief of Police shall deny, revoke or refuse to renew a permit if an applicant or permittee fails to meet the criteria under this policy's Qualified Applicants section and may deny, revoke or refuse to renew the permit based on grounds in this policy's Application Process section (CRS § 18-12-203(3)(a)).

221.8 APPLICATION NOTIFICATION

If the application is denied, suspended or revoked, the Department shall send the applicant written notification setting forth the reasons for the denial, suspension or revocation within 90 days of receipt of the application (CRS § 18-12-206).

If an application for a permit is denied, the applicant may seek a second review by the Chief of Police and submit additional information for the record or seek judicial review pursuant to CRS § 18-12-207 (CRS § 18-12-203(3)(c)).

221.9 CARRYING CONCEALED HANDGUNS IN RESTRICTED AREAS

Concealed handgun permittees shall carry the permit together with photo identification at all times when in actual possession of a concealed handgun and shall produce both documents upon demand by a law enforcement officer (CRS § 18-12-204(2)(a)).

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Permittees may be prohibited from carrying concealed handguns within certain buildings or other areas, as allowed by law. Examples include, but are not limited to (CRS § 18-12-214):

(a) Locations where carrying a firearm is prohibited by federal law.

(b) Locations on the property of a public school except in a locked vehicle.

(c) Any public building equipped with metal detectors at each entrance or that has a sign posted at each entrance prohibiting the carrying of a concealed handgun.

221.10 ANNUAL REPORT

The Department shall annually prepare a report regarding applications as required by law and submit the report before March 1 each year to the general assembly.

A copy of the annual report shall be provided to the public upon request (CRS § 18-12-206(4)).

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

300.2 POLICY

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

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.

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

300.2.1 DUTY TO INTERCEDE AND REPORT

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

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

300.2.2 ADDITIONAL INTERVENTION AND REPORTING

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

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

300.2.3 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly

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unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

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

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

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

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

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

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

(g) Proximity of weapons or dangerous improvised devices.

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

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

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

(k) Training and experience of the officer.

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

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

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

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

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

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

(r) Any other exigent circumstances.

300.3.3 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.

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

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

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

300.3.4 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. Officers are encouraged to use techniques and methods taught by the Fountain Police Department for this specific purpose.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

300.3.6 PROHIBITION ON CHOKEHOLDS

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

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300.4 DEADLY FORCE APPLICATIONS

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

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

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

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

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

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, 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. See the Report Preparation Policy for additional circumstances that may require documentation.

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

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

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

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

(h) An individual was struck or kicked.

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving

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these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

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

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

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

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

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

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

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

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual 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 appropriate channels.

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

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

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300.7.1 PATROL LIEUTENANT RESPONSIBILITY
The Patrol Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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

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

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

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

300.9 USE OF FORCE ANALYSIS
At least annually, the Patrol Deputy Chief 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 or 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.

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Fountain Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The Fountain Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Deputy Chief will convene the Use of Force Review Board as necessary. It will be the responsibility of the Lieutenant or supervisor of the involved employee to notify the Deputy Chief of any incidents requiring board review. The involved employee's Lieutenant or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.1 COMPOSITION OF THE BOARD

The Administration Deputy Chief should select three Use of Force Review Board members from the following, as appropriate:

- Commanding officer in the involved member's chain of command
- Training Manager
- Sworn supervisor

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- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Deputy Chief for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 USE OF RESTRAINTS

Only members who have successfully completed Fountain 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 known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

306.3.1 RESTRAINT OF DETAINEES

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

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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

306.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 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

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assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical 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.

306.6 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.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

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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 shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

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

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

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

306.9 TRAINING

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

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

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

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

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

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the 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.

308.4 RESPONSIBILITIES

308.4.1 PATROL LIEUTENANT RESPONSIBILITIES

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

308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall 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 Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel 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, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 BATON GUIDELINES

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

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

308.6 TEAR GAS GUIDELINES

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

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

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

308.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall 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.

308.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR 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.

308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.9.1 DEPLOYMENT AND USE

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

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.

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(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

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

308.9.3 SAFETY PROCEDURES

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

Officers 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 shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.10 TRAINING FOR CONTROL DEVICES

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

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

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

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

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

309.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING CEDS

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

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs 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 inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.

(c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

309.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

309.5 USE OF THE CED

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

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

309.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themself, or others.

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

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(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

309.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

309.5.7 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that CEDs 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.

309.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

309.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

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

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

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

(i) Description of where missed probes went.

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

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of CED

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device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

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

(a) Identification of all personnel firing CEDs

(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

309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(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 CED 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 shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

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309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

309.9 TRAINING

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

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Manager. All training and proficiency for CEDs will be documented in the officer's training files.

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

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

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

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

(a) A review of this policy.

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

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

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

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

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(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

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

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

310.2 POLICY

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

310.3 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.

310.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may 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.

310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Fountain Police Department would control the investigation if the suspect's crime occurred in Fountain.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation 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 shall be referred to the Chief of Police or the authorized designee for approval.

310.4.3 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.

310.5 INVESTIGATION PROCESS

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

310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

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

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

(d) Coordinate a perimeter or pursuit of suspects.

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

(f) Brief the supervisor upon arrival.

310.5.2 SUPERVISOR RESPONSIBILITIES

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

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

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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 Patrol Lieutenant and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional FPD 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 FPD officer should be given an administrative order not to discuss the incident with other involved officers or FPD 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.

310.5.3 PATROL LIEUTENANT RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Patrol Lieutenant.

310.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigation Deputy Chief
- Officer Involved Shooting Protocol rollout team
- Outside agency investigators (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

310.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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

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

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

(d) A licensed psychotherapist shall be provided by the Department to each involved FPD officer. A licensed psychotherapist may also be provided to any other affected FPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
4. Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

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 FPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death or appropriate duty reassignment as agreed upon by the involved officer and the Department to allow the officer to receive services and manage the impact of the incident on the officer and the officer's family and significant others. It shall be the responsibility of the Patrol Lieutenant to make schedule adjustments to accommodate such leave.

310.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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 shall be considered for the involved officer:

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

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

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

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

310.6.1 REPORTS BY INVOLVED FPD OFFICERS

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

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

Nothing in this section shall be construed to deprive an involved FPD 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.

310.6.2 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.

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1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

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

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

310.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Unit 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 Investigation Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Deputy Chief.

310.6.4 MULTI-AGENCY INVESTIGATION

Officer-involved shootings that result in injury or death or other uses of force by an officer that result in death shall be investigated by a multi-agency team. The multi-agency team shall include at least one other police or sheriff's agency or the Colorado Bureau of Investigation. The Chief of Police or the authorized designee shall ensure this protocol is posted on the Fountain Police Department website and is available to the public upon request (CRS § 16-2.5-301).

310.7 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 FPD 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.

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

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

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

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

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

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

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

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

    4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

    5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

    6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

    7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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310.8 CIVIL LIABILITY RESPONSE

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

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

310.9 AUDIO AND VIDEO RECORDINGS

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

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

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

310.10 DEBRIEFING

Following an officer-involved shooting or death, the Fountain Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

310.10.1 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.

310.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Patrol Lieutenant, Investigation Deputy Chief and Public Information Officer in the event of inquiries from the media.

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

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

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310.12 POST-INCIDENT SERVICES FOR FAMILY

The family members and significant others of an officer who has been involved in a shooting or deadly use of force should be provided, as department resources reasonably allow (CRS § 16-2.5-403):

(a) At least one confidential post-incident meeting with a qualified mental health professional (CRS § 16-2.5-402) in a timely manner following the incident, including through telehealth services.

(b) Ongoing confidential mental health services from a qualified mental health professional (CRS § 16-2.5-402) as needed, including through telehealth services.

(c) Peer support, including department peer support or online or telehealth peer support.

310.13 PROTOCOLS FOR RETURN TO DUTY

The Department shall take steps to facilitate returning department members back to their duty assignments following their involvement in a shooting or deadly use of force, taking into consideration the Department's size and resources (CRS § 16-2.5-403).

310.13.1 REINTEGRATION

Taking into account that involved officers may experience psychological, physical, or emotional reactions, the Department shall implement a reintegration plan that considers having the officer:

(a) Return to the scene of the incident.

(b) Fire the officer's weapon at the range.

(c) Participate in graded re-entry with a companion officer or peer support officer of the officer's choosing.

310.13.2 ONGOING SUPPORTIVE MENTAL HEALTH SERVICES

An officer who has been involved in a shooting or deadly use of force shall be provided ongoing supportive mental health services, including confidential follow-up by a qualified mental health professional (CRS § 16-2.5-402), either in person or through telehealth services.

310.14 POLICY REVIEW

The Department shall review this policy biennially and make any necessary updates to reflect current best practices and available resources (CRS § 16-2.5-403).

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Firearms

312.1 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.

312.1.1 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).

312.2 POLICY

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

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

312.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 22 .40 SW.

The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER

312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870P 12 gauge. The following additional shotguns are approved for on-duty use:

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MAKE	MODEL	CALIBER

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

312.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 .223. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER

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.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

312.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

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312.3.5 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and on the department list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

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

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall 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 shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

312.3.6 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 shall 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 shall be the responsibility of the member.

(b) The firearm shall 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 the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

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(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(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 shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and Fountain Police Department identification cards under circumstances requiring possession of such identification.

312.3.7 AMMUNITION

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

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

312.4 EQUIPMENT

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

312.4.1 REPAIRS AND MODIFICATIONS

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

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 Rangemaster.

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

312.4.2 HOLSTERS

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

312.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been

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properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

312.4.4 OPTICS 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 the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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.

312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

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

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall 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 shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall 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 shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(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 shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster 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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312.5.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

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

312.5.2 STORAGE AT HOME
Members shall 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 shall 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.

312.5.3 ALCOHOL AND DRUGS
Firearms shall 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.

312.6 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 at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice 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.

312.6.1 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 shall 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 shall 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 shall 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.

312.6.2 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.

312.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. 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 shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Deputy Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.7.1 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 shall 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.

312.7.2 INJURED ANIMALS
Officers may euthanize an animal when, in his/her judgment and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery and where other dispositions are impractical. In the event a licensed veterinarian is not available, the animal may be euthanized at the request of the owner or by the written certificate of two persons called to view the animal (CRS § 35-42-110).

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).

312.7.3 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

312.7.4 NEGLIGENT DISCHARGE
If firearm discharge is the result of negligence, the involved officer shall undergo remedial firearms training and qualification as determined by the Rangemaster.

312.8 RANGEMASTER DUTIES
The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

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

The Rangemaster has 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 Rangemaster has 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 Rangemaster.

The Rangemaster has 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.

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved

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by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

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

(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.

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(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Fountain 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.

312.11 TRAINING

In addition to general training regarding the use of firearms, the Training Manager shall ensure that training is provided on encounters with dogs in the course of duty as required by CRS § 29-5-112. At a minimum, the training must cover the policies and procedures adopted by this department.

312.11.1 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 shall acknowledge that he/she has been provided access to and has had the opportunity to review and understand both policies.

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Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

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

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

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

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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316.3 REQUESTING EMERGENCY ASSISTANCE

Officers may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify the Communications Center.

316.3.1 NUMBER OF UNITS PARTICIPATING

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

316.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the Communications Center. An emergency response of more than one unit should initiate notification of and coordination by the Communications Center to avoid any unanticipated intersecting of response routes.

An emergency response of more than one unit should initiate notification by the Communications Center to the Patrol Lieutenant or field supervisor. The Patrol Lieutenant or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

316.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

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

(a) Disregard regulations governing parking or standing when using a warning lamp.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed any speed limits provided this does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

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The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify the Communications Center of their determination. Any subsequent change in the appropriate response level should be communicated to the Communications Center by the officer in charge of the scene unless a supervisor assumes this responsibility.

316.5.1 EMERGENCY RESPONSE SPECIAL CONDITIONS

While performing certain emergency response tasks, the use of emergency lights or sirens may increase the danger to the responding officers or the public. In the following circumstances, officers may consider the appropriateness of an emergency response without siren, emergency lights or both:

(a) An officer is attempting to confirm his/her suspicion that a driver has violated the traffic code and there is no other reasonable suspicion or probable cause to stop the driver (CRS § 42-4-108(3)).

(b) An emergency response requires an element of stealth that would be defeated by the use of emergency lighting or siren. This response should use a siren and emergency lights until a stealth response without lights and siren is required, and the response should then continue accordingly.

Any emergency response without the use of emergency lights and siren shall be conducted with due regard for the safety of the public and property and the recognition that such a response may not provide an exemption from the vehicle laws (CRS § 42-4-108(3)).

Any emergency response without the use of lights or siren shall cease if the circumstances no longer warrant such a response.

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Patrol Lieutenant or a field supervisor prior to assigning an emergency response. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

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(b) Immediately notify the Patrol Lieutenant.

(c) Confirm the location from which the unit is responding.

(d) Notify and coordinate outside emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

(f) Control all radio communication during the emergency and coordinate assistance under the direction of the Patrol Lieutenant or field supervisor.

316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Patrol Lieutenant or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Patrol Lieutenant 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

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly.

The officer shall notify the Patrol Lieutenant, field supervisor or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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Canines

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

318.2 POLICY

It is the policy of the Fountain Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

318.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Lieutenant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Patrol Lieutenant.

318.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Deputy Chief or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

    1. Department vehicles assigned to canine handlers may display specific markings that identify them as canine vehicles.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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318.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Patrol Lieutenant.

318.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Patrol Lieutenant and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

318.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

318.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Lieutenant. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

318.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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318.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

318.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Law enforcement canines are generally exempt from impoundment and reporting requirements (CRS § 18-9-204.5).

318.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

318.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

318.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

318.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

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318.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Fountain City limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

318.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Fountain Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Patrol Lieutenant.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Lieutenant.

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(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

318.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Lieutenant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

318.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Lieutenant.

318.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Fountain Police Department canine training provider.

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(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

(d) Canine teams shall train a minimum of eight hours annually.

318.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

318.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Fountain Police Department may work with outside trainers with the applicable licenses or permits.

318.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws and comply with applicable state requirements (21 USC § 823(f); CRS § 27-80-209).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Fountain Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

318.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

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(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; 7 CCR 1101-9:1-4).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss

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of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. 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.

320.1.1 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.

320.2 POLICY

The Fountain Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(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 Investigation Unit in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. 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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320.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE
If no arrest is made, 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 witness unit).

(b) Document the resolution in a report.

320.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.

(b) Provide the victim with the department’s domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

320.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

320.9 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) If an officer has probable cause to believe an offender has committed an offense of domestic violence, an arrest shall be made (CRS § 18-6-803.6).

(b) An officer is not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence (CRS § 18-6-803.6). If an officer receives complaints of domestic violence from two or more

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opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons.

(c) In determining whether a crime has been committed by one or more persons, the officer shall consider the following (CRS § 18-6-803.6):

1. Any prior complaints of domestic violence.
2. The relative severity of the injuries inflicted on each person.
3. The likelihood of future injury to each person.
4. The possibility that one of the persons acted in self-defense.

(d) Unless impractical, if probable cause exists to believe an offender has violated a court order and that such offender had notice of the court order, an arrest shall be made (CRS § 18-6-803.5). If the circumstances make arrest impractical, the officer shall seek a warrant of arrest for the offender (CRS § 18-6-803.5).

(e) If a restrained person is arrested for violating or attempting to violate any provision of a court order, the arresting officer shall make all reasonable efforts to contact the protected party to notify him/her of such arrest (CRS § 18-6-803.5).

320.9.2 REPORTS AND RECORDS

The Records Supervisor will maintain records on the number of domestic violence-related calls reported to the Fountain 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 Fountain Police Department for violating a court order, the Records Supervisor shall forward to the issuing court a copy of the arrest report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The Records Supervisor shall also ensure that a copy of the same information is provided to the protected party. The agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting agency, without order of the court (CRS § 18-6-803.5).

If a restrained person is on bond in connection with a violation or attempted violation of a protection order in this or any other state and is subsequently arrested by the Fountain Police Department for violating or attempting to violate a protection order, the Records Supervisor shall notify the prosecuting attorney so that a motion may be filed with the court that issued the prior bond for the revocation of the bond and for the issuance of a warrant, if appropriate (CRS § 18-6-803.5).

320.9.3 SERVICE OF COURT ORDERS

Officers responding to a domestic violence call who encounter a person named in a court order that has not been otherwise served shall serve the person with a copy of the order (CRS § 13-14-107).

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Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Fountain Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Fountain 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.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

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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322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) 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.

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

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Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Fountain Police Department (34 USC § 11133).

324.1.1 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 and clearly dangerous to the health and safety of him/herself under CRS § 27-81-111, and any runaway taken into temporary custody under CRS § 19-3-401. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

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

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

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

324.2 POLICY

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

324.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).

1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

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Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Fountain Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Fountain 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 Fountain Police Department without authorization of the arresting officer's supervisor or the Patrol Lieutenant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Fountain Police Department (34 USC § 11133).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Fountain Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

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

324.4.4 REQUIREMENTS FOR CUSTODY OF JUVENILE OFFENDERS

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

(a) When there are reasonable grounds to believe that he/she has committed a violation of a statute, ordinance or court order that would subject an adult to an arrest.

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(b) Pursuant to a lawful warrant issued by a court pursuant to CRS § 19-2-503.

A juvenile offender shall not be held longer than is reasonably necessary to obtain basic identification information and to contact the juvenile's parents, guardian or legal custodian (CRS § 19-2-507(4)).

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

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

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

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

324.4.5 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 Fountain Police Department shall 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).

324.5 ADVISEMENTS

The screening team for the judicial district generally notifies the juvenile's parent, guardian or legal custodian that, if the juvenile is placed in detention or a temporary holding facility, all parties have a right to a prompt hearing to determine whether the juvenile is to be further detained. The notification may be made to a person with whom the juvenile is residing if a parent, guardian or legal custodian cannot be located. If the screening team is unable to make the notification, officers may make it (CRS § 19-2-507).

324.5.1 REPORTING

The Records Supervisor shall ensure incidents that result in a citation, summons, arrest or custody of a juvenile that occurs on public school grounds or vehicles, or at school activities or events are reported to the Division of Criminal Justice (DCJ) as required by CRS § 22-32-146. The reports shall be in the format provided by DCJ and include:

(a) The juvenile's full name, date of birth, race, ethnicity and gender.

(b) The name of the school where the incident occurred or the name of the school that either operated the vehicle or held the activity or event.

(c) The date the juvenile was arrested, taken into custody or issued a summons or ticket.

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(d) The arrest or incident report number assigned by the Fountain 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 Fountain Police Department.

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Fountain Police Department.

(c) Patrol Lieutenant notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Patrol Lieutenant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). 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 Fountain Police Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

324.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Patrol Lieutenant is notified if it is anticipated that a juvenile may need to remain at the Fountain Police Department more than four hours. This will enable the Patrol

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Lieutenant to ensure no juvenile is held at the Fountain Police Department more than six hours.

(b) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) A 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.

(d) Personal visual checks and significant incidents/activities are noted on the log.

(e) There is reasonable access to toilets and wash basins.

(f) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) There is reasonable access to a drinking fountain or water.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles have the right to the same number of telephone calls as an adult in custody (See the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Fountain Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored in such a way as to protect the juvenile from abuse.

324.9.1 PREGNANT JUVENILES

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

324.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

324.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Patrol Lieutenant approval is required before placing a juvenile offender in secure custody (Colo. Rev. Stat. Ann § 19-2-508).

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile’s safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

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(c) Juveniles shall have constant auditory access to department members.

(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being.
3. Juveniles who are sleeping or apparently sleeping should be awakened.
4. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

324.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Patrol Deputy Chief will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Fountain Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the on-duty supervisor, Patrol Lieutenant, Chief of Police, and Investigation Deputy Chief.

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Coroner.

(g) Notification of the juvenile court.

(h) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

In any case where a juvenile is taken into temporary custody, officers should not attempt to interview or interrogate an unemancipated juvenile offender or status offender unless one of the following occurs (CRS § 19-2-511):

(a) A public defender or other counsel representing the juvenile is present.

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(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

(c) The juvenile and his/her parent, guardian, or legal or physical custodian have been fully advised of the juvenile's right and have expressly waived in writing the requirement that they be present during the juvenile's interrogation.

324.14 RESTRICTION ON FINGERPRINTING

The following juvenile offenders may be fingerprinted (CRS § 19-2-503.5):

(a) A juvenile offender held for committing any of the following:

1. A felony
2. A Class 1 misdemeanor
3. A misdemeanor under CRS § 42-4-1301 (driving under the influence or while impaired)
4. A crime that includes an act of domestic violence as defined in CRS § 18-6-800.3(1)

(b) A juvenile who has not been fingerprinted prior to his/her first appearance before the court and has been ordered by the court to report for fingerprinting

324.15 RELIGIOUS ACCOMMODATION

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

324.16 VISITATION

Juveniles who are in temporary custody in the facility will be allowed initial visits at any time by the parents, guardians and/or attorneys. Subsequent visits shall be as unrestrictive as reasonably practicable.

324.17 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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Adult Abuse

326.1 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 Fountain Police Department members as required by law.

326.1.1 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.

326.2 POLICY

The Fountain Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

326.3 MANDATORY NOTIFICATION

Members of the Fountain Police Department shall notify the county department of human or 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).

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).

326.3.1 NOTIFICATION PROCEDURE

Notification should occur using the county department of human or social services intake telephone number within 24 hours and shall 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.

326.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

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(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (CRS § 26-3.1-103).

326.5 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.

(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):

    (a) 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.

    (b) Whether an individual knowingly or intentionally concealed or destroyed a rescission of a request for medical aid-in-dying medication.

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(c) 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.

326.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered the county department of human or social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control or have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

326.7 INTERVIEWS

326.7.1 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.

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326.7.2 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:

(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.

326.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, his/her guardian, or the agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, or agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

326.9 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.

326.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including the county department of human or social services, other law enforcement agencies, medical service providers, and local prosecutors, to develop community-specific procedures for responding to situations where there are 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 Investigation Unit 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.

326.9.2 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 Investigation Unit supervisor so an interagency response can begin.

326.10 STATE MANDATES AND OTHER RELEVANT LAWS
Colorado requires or permits the following:

326.10.1 RECORDS SECTION RESPONSIBILITIES
The Records Section 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.

326.10.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 26-3.1-102).

326.11 TRAINING
The Department shall provide training on best practices in adult abuse investigations to members tasked with investigating these cases (CRS § 24-31-313; CRS § 26-3.1-106). The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

328.1 PURPOSE AND SCOPE

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

328.2 POLICY

The Fountain 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.

328.3 DISCRIMINATION PROHIBITED

328.3.1 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.

328.3.2 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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328.3.3 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.

328.3.4 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.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall 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 or manager. Complaints may also be filed with the Chief of Police, Human Resources Manager 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 and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor and manager shall:

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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 Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

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

(a) Behavior of supervisors and managers 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 and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

328.4.3 RESPONSIBILITIES UPON RECEIPT OF COMPLAINT

Upon receipt or notification of a complaint filed with the Colorado Civil Rights Division, the Chief of Police or the authorized designee shall assign the complaint for action. The person assigned the complaint is responsible to ensure completion of the following (CRS § 24-34-301, et seq.):

(a) Provide a written answer to the complaint within the time required after receiving it.

(b) Supply and explain all relevant information, data or papers upon request.

(c) Respond to all telephone or mail inquiries from the Colorado Civil Rights Division.

(d) Attend all meetings, hearings or fact-finding conferences when requested.

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328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall 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.

328.5.1 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 or manager who is a rank higher than the alleged transgressor.

328.5.2 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 shall be in compliance with this policy. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

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, Human Resources Manager or the City Manager.

328.5.3 ALTERNATIVE COMPLAINT PROCESS

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

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328.6 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.

328.7 DOCUMENTATION OF COMPLAINTS

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

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

328.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that 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 shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

328.8.1 QUESTIONS OR CLARIFICATION

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

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Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Fountain Police Department members are required to notify the county department of human or social services of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18.

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

330.2 POLICY

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

330.3 MANDATORY NOTIFICATION

Members of the Fountain Police Department shall notify the county department of human or social services when (CRS § 19-1-103; CRS § 19-3-308):

(a) They receive a report of a known or suspected incident of interfamilial abuse or neglect.

(b) They reasonably believe that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care.

(c) They receive a report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age 10.

(d) They have probable cause to believe a child is a victim of human trafficking of a minor for sexual servitude (CRS § 18-3-504; CRS § 18-7-201.4).

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including but not limited to suspicious injuries such as bruising, bleeding, or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing, or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial abuse includes acts by a child's parent, stepparent, guardian, legal custodian, or relative, by a spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

Officers shall take into account accepted child-rearing practices of the culture in which the child participates, including but not limited to accepted work-related practices of agricultural communities, in determining abuse. Abuse does not include a reasonable exercise of parental

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discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

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

(a) Notifications shall be made immediately to the county department of human or social services.

(b) A written summary of the investigation or case report shall be forwarded without delay to the county department of human or social services upon completion of any investigation undertaken.

(c) Notification, when possible, shall include (CRS § 19-3-307):

1. The name, address, age, sex, and race of the child.
2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
4. The family composition.
5. The source of the report and the name, address, and occupation of the person making the report.
6. Any action taken by the reporting source.
7. Any other information that the person making the report believes may be helpful.
8. The military affiliation of the person suspected of committing the abuse or neglect if the person is a member of the armed forces or is a spouse, significant other, or family member residing in the home of a member of the U.S. armed forces.

An investigating officer and his/her supervisor shall notify the school district superintendent when there is a reasonable belief that an incident of abuse or neglect has been committed by a person acting in his/her official capacity as an employee of the school district (CRS § 19-3-308).

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Unless unavailable, the county department of human or social services shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308).

This agency shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect alleged to have been committed by persons 10 years of age or older (CRS § 19-3-308).

When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating officer shall coordinate such investigation with any concurrent abuse investigation being conducted by the Department of Education or the school district to the extent that such coordination is possible and deemed appropriate (CRS § 19-3-308).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

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330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the county department of human or social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (CRS § 19-3-401):

(a) When a court order has been issued authorizing the removal of a child.

(b) Without a court order when the child is seriously endangered in his/her surroundings or seriously endangers others and immediate removal appears to be necessary for the child's protection or the protection of others.

    1. A child shall be removed from his/her home and placed in protective custody if an emergency exists because the child is seriously endangered, as described above, the safety or well-being of the child is immediately at issue, and there is no other reasonable way to protect the child without removing the child from his/her home.

(c) Without a court order when an arrest warrant has been issued for the child's parent or guardian on the basis of an alleged violation of CRS § 18-3-304.

(d) A seriously endangered newborn child (less than 72 hours old) may be detained in a hospital, without a warrant, by an officer upon the recommendation of the county department of human or social services, a physician, a registered nurse, a licensed practical nurse, or a physician's assistant, while an order of the court pursuant to CRS § 19-3-405(1) is being pursued. The newborn child must be released if a court order is denied.

330.6.1 COURT ORDERS

Unless already being addressed by the county department of human or social services, an officer should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the officer (CRS § 19-3-405):

(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

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the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future.

(b) Believes that the child is able to remain safely in his/her place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered.

330.6.2 RELATED NOTIFICATIONS

If the county department of human or social services is unable to take custody of a child, officers taking a child into protective custody shall (CRS § 19-3-402):

(a) Deliver the child, without unnecessary delay, directly to the court or to a place designated by the court.

(b) At the earliest opportunity, notify the court that the child has been taken into protective custody.

(c) Promptly file a brief written report with the court and any agency or person so designated by the court stating the facts that led to the child being taken into custody and the reason why the child was not released.

Whenever a child is taken into temporary protective custody, the child's parent, guardian, or legal custodian shall be notified without unnecessary delay (CRS § 19-3-402(1)). The notification shall include information regarding the right to a hearing.

330.6.3 SAFE HAVEN ACT PROVISIONS

A parent is not guilty of child abuse as defined in CRS § 18-6-401 if the parent surrenders his/her newborn infant (72 hours old or younger) to an on-duty firefighter or staff member at a hospital or community clinic emergency center under the safe haven provisions of CRS § 19-3-304.5. A supervisor and the county department of human or social services should be notified without delay.

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

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1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or 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.

330.9 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.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit Supervisor should:

(a) Work with professionals from the appropriate agencies, including the county department of human or social services, other law enforcement agencies, medical service providers, and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation Unit 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.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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(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 Investigation Unit Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 19-1-307; CRS § 24-72-304).

330.10.2 CHILD FATALITY PREVENTION REVIEW TEAMS

Local review teams are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (CRS § 25-20.5-404; CRS § 25-20.5-408(1)).

330.10.3 PROCESSING REPORTS AND RECORDS

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

330.10.4 SERVICE OF PROTECTION ORDER

Officers responding to a call for assistance who determine that a civil protection order has been issued and that the restrained person has not been personally served, shall serve the restrained person with a copy of the order (CRS § 19-1-104).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

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

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Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 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 the person's 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 the person's 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).

(d) Are Indigenous persons, regardless of whether the person is an adult or child (CRS § 16-2.7-103; CRS § 24-33.5-431).

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.

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This includes the National Crime Information Center (NCIC), the Colorado Crime Information Center (CCIC), and the Colorado Bureau of Investigation (CBI).

332.2 POLICY

The Fountain 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 Fountain 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.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- 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

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

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

332.5 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

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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:

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 report forms 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 shall ensure that a court order is obtained within 48 hours of the initial request for the location information.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

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

332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall 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 Section.

(b) Ensuring resources are deployed as appropriate.

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(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.

332.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall 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 Investigation Unit.

(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 (34 USC § 41308).

332.7 INVESTIGATION UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child’s student file, along with the investigator’s contact information if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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(d) Shall verify and update CCIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Colorado Bureau of Investigation and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall 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.

The Records Supervisor should 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.

(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 shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

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332.8.1 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.

332.9 CASE CLOSURE

The Investigation Unit 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 Fountain 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.

332.10 TRAINING

Subject to available resources, the Training Manager 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 Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
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.

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(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.

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Public Alerts

334.1 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.

334.2 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.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Fountain Police Department should notify their supervisor, Patrol Lieutenant or Investigation Unit 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.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Deputy Chief 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 Deputy Chief

334.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER Alert™) is the recruitment of public assistance to locate an abducted child via a widespread media alert using the statewide Emergency Alert System (EAS). Utilizing local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery.

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Public Alerts

The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement (CRS § 24-33.5-415.7).

334.4.1 CRITERIA

An AMBER Alert may be activated by a law enforcement agency if (CRS § 24-33.5-415.7(2)):

(a) The child is 17 years of age or younger.

(b) The 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.

334.4.2 PROCEDURE

In the event of a confirmed child abduction, the following procedures shall be followed:

(a) The Public Information Officer, Patrol Lieutenant or Investigation Unit 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, Patrol Lieutenant or Investigation Unit 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.

(d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Colorado State Patrol
2. FBI local office

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3. Prompt entry of information into the U.S. Department of Justice Missing Person System/National Crime Information Center (NCIC)
4. National Center for Missing and Exploited Children (NCMEC) (800-843-5678)
5. Department internet sites, communications and resources

(e) As additional information pertinent to the case becomes available, it shall be forwarded to the Colorado Bureau of Investigation.

(f) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and forward to the previously described locations additional information regarding the search and investigation.

(g) Upon closure of the child abduction, because the child has been found, or the end of the notification period, the investigation unit supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (CRS § 24-33.5-415.7(4)).

(h) After 24 hours the investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall assess the need to continue the AMBER Alert.

334.5 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).

334.5.1 CRITERIA

Supervisors may request a Blue Alert when a peace officer has been killed or has received a life-threatening injury and the suspect or suspects have fled the scene of the offense (CRS § 24-33.5-416.5).

334.5.2 PROCEDURE

A supervisor, after confirming that the criteria for a Blue Alert have been met, may notify the Colorado Bureau of Investigation and request a Blue Alert broadcast.

334.6 SENIOR CITIZEN/PERSON WITH DEVELOPMENTAL DISABILITIES/DEMENTIA ALERT

To aid in the identification and location of missing senior citizens and missing persons with developmental disabilities or dementia disease, the Colorado Legislature created the Missing Senior Citizen, Missing Person with Developmental Disabilities, and Missing Person with Dementia and Related Disability Alert Program. This program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies, and the state's public and commercial television and radio broadcasters.

334.6.1 CRITERIA

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

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(a) "Missing person with a dementia disease or related disability" means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Who has a dementia disease or related disability, as defined by CRS § 25-1-502.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

(b) “Missing person with developmental disabilities” means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Who has a verified developmental disability.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

(c) “Missing senior citizen” means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Whose age at the time he/she was first reported missing was 60 years or older and who has a verified impaired mental condition.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

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

334.6.2 PROCEDURE

A supervisor, acting upon confirmation that the criteria for a Missing Senior Citizen/Missing Person with Developmental Disabilities/Missing Person with Dementia and Related Disability Alert have been met, may notify the Colorado Bureau of Investigation and request a broadcast. Supervisors should ensure that all criteria for the alert are met prior to the request (8 CCR 1507-26).

334.7 MEDINA ALERTS

Medina Alerts are for those instances where a driver of a vehicle has killed or inflicted a serious bodily injury on a person in a hit-and-run accident. The Medina Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state’s public and commercial television and radio broadcasters (CRS § 24-33.5-416.7).

334.7.1 CRITERIA

Medina Alerts apply when (CRS § 24-33.5-416.7):

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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.

334.7.2 PROCEDURE

A supervisor, after confirming that the criteria for a Medina Alert have been met, may notify the Colorado Bureau of Investigation and request a Medina Alert broadcast (8 CCR 1507-33).

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Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Fountain Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Fountain 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.

336.3 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 Fountain 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.

336.3.1 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).

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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336.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

All reasonable attempts will be made to protect any victim or the victim's immediate family from harm, harassment, intimidation or retaliation arising from their cooperation in the reporting, investigation or prosecution of a crime. Additionally, 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)).

336.5 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).

(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.

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(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).

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

336.6.1 SPECIFIC REQUIREMENTS REGARDING WITNESSES

Officers should provide all witnesses with the applicable witness information handouts (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

336.7 WITNESS INFORMATION

The Administration supervisor shall ensure that witness information handouts are available and current. These should include information specifically related to witness rights and resources (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

336.8 NOTIFICATION OF NEXT OF KIN

In the event of a serious illness, life-threatening injury or death, the supervisor responsible for notification of the incident should ensure the victim's next of kin is notified or coordinate such notification with the Coroner, department chaplain or another suitable person. Notification should be made in a courteous manner as soon as practicable following positive identification of the victim.

Supervisors may perform notifications at the request of other agencies for next of kin residing in the jurisdiction of the Fountain Police Department. Such notifications will be performed in accordance with the Outside Agency Assistance Policy.

The identity of any person who is seriously ill, seriously injured or deceased should not be released until notification is made to the victim's next of kin.

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Bias-Motivated Crimes

338.1 PURPOSE AND SCOPE

The Fountain 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.

338.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

338.2 DEFINITIONS

Definitions related to this policy include:

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

(a) Knowingly causes bodily injury to another person.

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

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

338.3 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about bias-motivated crime laws.

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338.4 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.

338.5 INVESTIGATION UNIT RESPONSIBILITIES

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.

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338.5.1 STATE BIAS-MOTIVATED CRIME REPORTING
This department shall report bias-motivated crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Supervisor or assigned to the Investigation Unit.

338.5.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING
The Records Supervisor should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Section procedures and in compliance with (28 USC § 534(a)).

338.6 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.

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Standards of Conduct

340.1 PURPOSE AND SCOPE

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

340.2 POLICY

The continued employment or appointment of every member of the Fountain Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.3 POST-DISCIPLINE APPEAL PROCEDURE

As specified in the City Charter, an employee has the right to formally appeal the Chief of Police's imposition of a suspension, punitive transfer, demotion, termination of a nonprobationary employee:

All members of the Department who receive formal disciplinary action amounting to a suspension, demotion, termination or transfer where the individual will receive lesser compensation, may appeal the disciplinary decision through the grievance procedure as provided in the City of Fountain Charter, Section 11.1 Personnel and the City of Fountain Employee Policies & Procedures Handbook, resolution #18-073..

Appeal Procedure: An appeal is a request for review or reconsideration of certain forms of disciplinary action taken against a regular, full-time employee. An appeal shall be limited to discharge, demotion or suspension. The Personnel Board shall hear such requests for review and the steps below shall be followed:

(a) The employee shall submit his/her request for review by the City Manager and the justification therefore in writing to the City Clerk within five (5) calendar days of the date of the notice of the action adversely affecting the employee. Failure to request review by the City Manager shall be considered a waiver of the employee's appeal rights, and the notice of suspension, demotion or discharge shall be final.

(b) The City Manager shall attempt to resolve the matter informally and will notify the employee in writing of his/her decision within ten (10) calendar days.

(c) The employee may continue the appeal process after receiving the City Manager's decision by submitting a written request to the City Clerk for a hearing before the Personnel Board within five (5) calendar days or the employee shall be considered to

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have forfeited his/her appeal rights and the decision of the City Manager shall be final. Such request for hearing must state the reasons for the appeal.

(d) The hearing shall be held within twenty (20) calendar days of submission of the written appeal to the Personnel Board, unless the hearing date has been continued by the Personnel Board for good cause. A notice of hearing shall be sent by the City Clerk to all interested parties. The hearing before the Personnel Board shall be as informal as is compatible with the requirements of justice, and the Personnel Board shall not be bound by formal rules of evidence. Two or more members of the Personnel Board shall constitute a quorum.

(e) The Personnel Board shall issue a written decision within five (5) calendar days after the conclusion of the hearing.

(f) All employees who file appeals and their witnesses shall be free from restraint, coercion, discrimination or reprisal at any stage in the presentation and the processing of an appeal or any time thereafter. The City Manager shall review any allegation of such action in connection with the presentation of an appeal and take appropriate timely remedial action.

340.4 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.4.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

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340.4.2 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.

340.5 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall 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.

340.6 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.

340.6.1 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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340.6.2 ETHICS

(a) Using or disclosing one's status as a member of the Fountain Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment 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.

340.6.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

340.6.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one's official capacity.

(b) Engaging in onduty 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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340.6.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

340.6.6 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 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.

340.6.7 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 or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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340.6.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

340.6.9 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

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without 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.

340.6.10 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.

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(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).

340.6.11 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.

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Information Technology Use

342.1 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.

342.1.1 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 Fountain 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.

342.2 POLICY

It is the policy of the Fountain Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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342.4 RESTRICTED USE

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

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

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 shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

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.

342.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

342.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

342.4.4 OFF-DUTY USE

Members shall 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.

342.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.6 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.

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.

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Report Preparation

344.1 PURPOSE AND SCOPE

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

344.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

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

344.2 REQUIRED REPORTING

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

344.2.1 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 shall 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

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Bias-Motivated Crimes Policy
6. Suspicious Activity Reporting Policy

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

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

344.2.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate approved report include:

(a) Anytime an officer points a firearm at any person.

(b) Any use of physical force against any person by a member of this department (see the Use of Force Policy).

(c) Any firearm discharge (see the Firearms Policy) except during approved range training.

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy).

(e) Any found property or found evidence.

(f) Any traffic collisions above the minimum reporting level (see the Traffic Accident Response and Reporting Policy).

(g) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

344.2.3 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 shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

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(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

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

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall 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.

344.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle accidents with no suspect or suspect vehicle.

(j) Supplemental property lists.

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Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer the victim to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

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

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction Form, stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

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

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Media Relations

346.1 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.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall 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, Deputy Chiefs, Patrol Lieutenants and the designated Public Information Officer (PIO) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall 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 shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.2.2 PUBLIC INFORMATION OFFICER COMMUNITY RELATIONS

The designated PIO is responsible for maintaining a relationship with the local community (e.g., local businesses, service clubs, schools, religious organizations, other government agencies) that is consistent with the goals and objectives of this department. The PIO shall maintain documentation on all public education efforts including classes, informational flyers and other documentation, meetings and press releases.

346.3 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. Access by the media is subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

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(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

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

346.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Lieutenant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

346.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

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346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Patrol Lieutenant. 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.

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

346.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and the Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

346.5 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

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Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

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

348.2 POLICY

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

348.3 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).

348.3.1 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 shall 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 Fountain Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Fountain 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.

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

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348.3.2 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.

348.3.3 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 shall be coordinated through their immediate supervisors.

348.4 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.

348.5 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 shall 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.

348.6 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.

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

348.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding.

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Reserve Officers

350.1 PURPOSE AND SCOPE

The Fountain Police Department Reserve Unit was established to supplement and assist regular certified police officers in their duties. This unit provides volunteer professional and special function reserve officers who can augment regular staffing levels (CRS § 16-2.5-110).

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Fountain Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

Reserve officers who hold certification by the Colorado Peace Officer Standards and Training (POST) Board are considered peace officers while engaged in the performance of their duties under CRS § 16-2.5-110(1)(b).

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as certified police officers before appointment.

Before appointment as a reserve officer, an applicant must have completed a state-approved basic academy or a reserve academy within the previous two years.

350.2.2 APPOINTMENT

Applicants who are selected for appointment as a reserve officer shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office as required for the position. Members of the Reserve Unit serve at the appointing authority's discretion.

A reserve officer may not perform any law enforcement function without obtaining a POST Reserve Certificate or Peace Officer Certificate (CRS § 16-2.5-110(1)(b)).

Reserve officers may act only in a supplementary capacity to the regular force and shall be under the direct supervision of a fully certified peace officer (CRS § 16-2.5-110(1)(b)).

350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

A reserve officer shall serve without compensation but may be reimbursed at the discretion of the City for (CRS § 16-2.5-110(5)):

(a) Any authorized out-of-pocket expenses incurred in the course of his/her duties.

(b) For his/her time during a declared emergency or during a time of special need.

The City shall pay the cost of workers' compensation benefits for injuries incurred by a reserve officer while on-duty and while acting within the scope of his/her assigned duties.

350.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department shall not utilize the services of a reserve in such a way that it would

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violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult with the Department of Human Resources prior to an employee serving in a reserve capacity (29 CFR 553.30).

350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

350.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all Department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in the Policy Manual refers to a certified full-time officer, it shall also apply to a certified reserve officer, unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or the authorized designee.

350.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility of administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assigning reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

350.4 FIELD TRAINING

All reserve officers shall complete the same department-specified field training program as regular officers as described in the Field Training Officer Program Policy.

At the completion of field training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/

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her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

When a reserve officer has satisfactorily completed field training, he/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer.

350.5 SUPERVISION

Reserve officers perform some of the duties of a peace officer and shall be under the immediate supervision of a certified peace officer (CRS § 16-2.5-110(1)(b)).

350.5.1 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

350.5.2 IDENTIFICATION OF OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

350.5.3 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

350.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Deputy Chief in compliance with the Personnel Complaints Policy.

Reserve officers are considered at-will employees. Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual with the exception that the right to a hearing is limited to the opportunity to clear his/her name.

350.5.5 RESERVE OFFICER EVALUATIONS

While in training, reserve officers will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until training has been completed. Reserve officers having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

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350.6 FIREARMS REQUIREMENTS

An appointment to the reserve force must be approved by the City before the person appointed may carry a weapon or otherwise act as a peace officer.

350.6.1 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid concealed firearm permit.

An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Department standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a Department Rangemaster.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed training, he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Coordinator and administrative staff.

In issuing a concealed weapon permit, a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing with the Fountain Reserve Officer Program.

350.6.2 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers who carry a firearm while on-duty shall comply with all areas of the firearms training section of the Policy Manual and shall be certified for firearms proficiency with the same frequency and subject to the same requirements as a regular certified officer (CRS § 16-2.5-110(2)).

350.7 EMERGENCY CALLOUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency callout procedure for reserve personnel.

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Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance from another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible. Assistance shall be consistent with the applicable laws and policies of this department when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance (CRS § 29-5-104).

The Department may at the discretion of the Chief of Police establish an agreement for reciprocal law enforcement with another agency, including those of neighboring states, provided those agreements meet statutory requirements pursuant to CRS § 29-1-206. 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.

352.2 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the Patrol Lieutenant's office or an on-duty supervisor for approval. Any such response to assist an outside agency should be considered for authorization pursuant to law or an established mutual aid plan (see generally CRS § 33.5-713).

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to another agency's facilities.

When such assistance is rendered, a case number will be issued to report action taken by Fountain Police Department personnel.

352.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

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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.

352.4 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.

352.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Training Manager. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to the Communications Center and the Patrol Lieutenant to ensure proper use in compliance with agreements.

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Outside Assistance to Non-Law Enforcement Agencies or Persons

353.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the answering of a request for assistance from a non-law enforcement person or agency.

It is the policy of this department to only provide assistance, whenever reasonably possible, if the assistance rendered is within the scope and authority of a police officer. Any requests for assistance outside the scope and authority of a police officer should be declined.

353.2 ASSISTANCE TO OTHERS

Requests can be made in person or by telephone. In either case, the request should be accepted only if the request is reasonable and within the scope and authority of a peace officer. If a request includes a court order, verbally or written, the content of the court order should be verified to ascertain if the order directs a peace officer to perform a duty. Officers should be cognizant not to become engaged in performing a function as an agent of the requesting agency or person.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Fountain 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.

356.2 POLICY

It is the policy of the Fountain 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.

356.3 REGISTRATION

The Investigation Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall 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.

356.3.1 CONTENTS OF REGISTRATION

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

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

356.3.2 WAIVERS OF IN-PERSON RE-REGISTRATION

The Investigation Unit supervisor should (CRS § 16-22-108):

(a) Establish procedures for determining whether a registrant is eligible for a waiver under CRS § 16-22-108.

(b) Submit verification forms to CBI and other applicable law enforcement agencies.

(c) Review existing waivers to confirm registrants still meet eligibility requirements for the waiver.

(d) Notify victims, upon request by the victim, that a waiver has been authorized.

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356.3.3 AUTOMATIC TERMINATION OF REGISTRATION
The Investigation Unit supervisor or the authorized designee shall notify a registrant whose duty to register has automatically terminated under CRS § 16-22-103 of the termination upon attempt to register. The Investigation Unit supervisor shall remove the registrant from the registry and notify CBI of the termination (CRS § 16-22-108).

356.4 MONITORING OF REGISTERED OFFENDERS
The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on CBI's Convicted Sex Offender Registry website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Investigation Unit supervisor.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Fountain Police Department personnel, including timely updates regarding new or relocated registrants.

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

356.5 DISSEMINATION OF PUBLIC INFORMATION
Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisors. The supervisor should evaluate the request and forward the information to the Chief of Police or the authorized designee if warranted. A determination will be made by the Chief of Police or the authorized designee, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided with CBI's Convicted Sex Offender Registry website or the Fountain Police Department's website.

The Records Supervisor shall release local registered offender information to residents in accordance with state law (CRS § 16-22-112; CRS § 24-72-301 et seq.) and in compliance with a Colorado Criminal Justice Records Act request.

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356.5.1 RELEASE NOTIFICATIONS

Sex registrant information that is released shall include the written statement: “The Colorado sex offender registry includes only those persons who have been required by law to register and who are in compliance with the sex offender registration laws. Persons should not rely solely on the sex offender registry as a safeguard against perpetrators of sexual assault in their communities. The crime for which a person is convicted may not accurately reflect the level of risk.” (CRS § 16-22-112(5))

356.5.2 MANDATORY DISSEMINATION

The Department shall release local sex offender information to residents in accordance with Colorado law and the rules set forth by CBI. Information released shall include, at a minimum, the name, address or addresses, and aliases of the registrant; the registrant’s date of birth; a photograph of the registrant, if requested and readily available; and the offense that led to the registration requirement and the date of the offense (CRS § 16-22-110; CRS § 16-22-112). Information concerning victims shall not be released.

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

356.5.3 DISCRETIONARY DISSEMINATION

The Department may also provide local sex offender information to any other person the Department determines warrants notification as permitted by law. 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).

356.5.4 INFORMATION AVAILABLE VIA THE INTERNET

The Department may post the following registered offender information on its website only if the person is adjudicated or convicted of the offenses in CRS § 16-22-112:

(a) Offender information, including the offender’s name or aliases, photograph, sex, height, weight, name, address and offenses committed, as allowed by law

(b) Educational information concerning protection from sex offenders that has been developed in conjunction with SOMB and a sexual assault victims’ advocacy group, or a link to educational information included on the CBI website

(c) A link to the National Sex Offender Public Website

(d) A link to the CBI Convicted Sex Offender Registry website

(e) A link to other law enforcement agencies

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356.5.5 PURGE OF LOCAL SEX OFFENDER REGISTRY

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

356.6 NOTIFICATION PRIOR TO RELEASE OR DISCHARGE

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

Prior to registrants being discharged from the CDOC, this department shall verify that (CRS § 16-22-107(4)(a)):

(a) The address provided by the person is a residence.

(b) The occupants or owners of the residence know of the person's history of unlawful sexual behavior.

(c) The occupants or owners of the residence have agreed to allow the person to reside at the address.

(d) If the registrant is being released on parole, the address complies with any conditions of the parole.

If any of the information required for verification is not true, the Department shall notify the CDOC that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).

356.6.1 CONFIDENTIAL INFORMATION

The forms completed by persons required to register pursuant to Colorado law shall be confidential and shall not be open to inspection by the public or any person other than law enforcement personnel except as provided by law (CRS § 16-22-109(4)).

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Major Incident Notification

358.1 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.

358.2 POLICY

The Fountain 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.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Deputy Chief. 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 of a prominent Fountain official
- Arrest of Department employee or prominent Fountain 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

358.4 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant is responsible for making the appropriate notification. The Patrol Lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable. Notification should be made by using the call notification protocol posted in the Communications Center.

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Major Incident Notification

358.4.1 STAFF NOTIFICATION

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

358.4.2 DETECTIVE NOTIFICATION

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

358.4.3 PATROL LIEUTENANT NOTIFICATION

In the event of a traffic fatality or major injury, the traffic sergeant shall be notified, who will then contact the appropriate investigator. The traffic sergeant will notify the traffic lieutenant.

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

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

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Death Investigation

360.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

Death investigations shall be conducted pursuant to CRS § 30-10-606.

360.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases, unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The Patrol Lieutenant will make notification to command staff in accordance with the Major Incident Notification Policy.

360.2.1 CORONER REQUEST

Officers are not authorized to pronounce death unless they are also Coroners, Deputy Coroners, or appointed Coroner investigators. The Coroner shall be called as soon as practicable after the scene is safe and secure in all deaths. Investigating officers shall investigate and work in cooperation with the Coroner involving any of the following circumstances (CRS § 30-10-606(1)):

(a) The death is, or may be, unnatural as a result of external influences, injury, or violence, including:

1. A death that is due to the influence of, or is the result of, intoxication by alcohol, drugs, or poison.
2. A death that is the result of an accident, including an accident at the workplace.
3. A death that involves the unexpected or unexplained death of an infant or child.

(b) There is no physician in attendance, or 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) The death 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.

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(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.

In cases involving any of the above-mentioned circumstances, the body of the deceased shall not be removed from the place of death prior to the arrival of the Coroner. This restriction shall not apply if the Coroner grants permission for removal or removal is necessary to identify the victim, protect property from damage, preserve evidence, or protect life, health, or safety.

When the Coroner arrives at the scene, law enforcement personnel shall make all reasonable accommodations to allow the Coroner to collect time-sensitive information.

If a suicide note is found at the place of death, investigating officers or the Coroner shall take custody of the note based on a prior agreement. If there is no prior agreement, investigating officers have the authority to take custody of the suicide note and shall provide a copy to the Coroner.

360.2.2 SEARCHING DEAD BODIES

(a) The Coroner or their assistant and authorized investigators are generally the only persons permitted to move, handle, or search a body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Coroner or their assistant shall be promptly notified.

(c) The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) 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 or their assistant, the investigating officer should first obtain verbal consent from the Coroner or their assistant when practicable.

(e) 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 or their assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Coroner or their assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the nextofkin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be

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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 shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

360.2.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigation Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Patrol Lieutenant or Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

360.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

360.2.6 REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.3 POLICY

It is the policy of the Fountain Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

360.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

360.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident.

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If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

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

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Identity Theft

362.1 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.

362.2 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.

362.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access additional information on the official Colorado state government website.

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362.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can find FTC contact information online through its official website. Additional information may be found at the U.S. Department of Justice and/or FBI websites.

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Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115):

(a) For any crime that has been or is being committed or attempted in his/her presence

(b) When directed by any peace officer to assist a peace officer

(c) When there is reasonable information that the accused has been charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year

1. The accused shall be taken before a judge without unnecessary delay and a complaint must be made against the accused under oath by the private person making the arrest.

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Summons & Complaint. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the Summons & Complaint (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

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 Fountain 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).

368.2 POLICY

It is the policy of the Fountain 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.

368.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Deputy Chief or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Fountain Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Patrol Lieutenant and Communications Manager. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Fountain Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, 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.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The 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.

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368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the 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.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

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

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

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

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

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

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368.14 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.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

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

Investigations into such complaints shall be handled in accordance with 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.

368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Pupil Arrest Reporting

373.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

373.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested on school grounds and during school hours, the arresting officer shall include in the report the necessary information to ensure that the Records Section notifies the chief administrative officer of the school or the appropriate designee of the arrest of a pupil.

If the arrest involved alcohol or a controlled substance, the Records Section shall ensure the chemical abuse pre-assessment team of the school is notified regarding the arrest, as allowed by law.

373.2.1 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.

373.2.2 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.

373.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

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Biological Samples

374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

374.1.1 DEFINITIONS

Definitions related to this policy include (CRS § 18-1-1101):

Disposed of - Means evidence is destroyed, thrown away or returned to the owner or his/her designee.

DNA - Means deoxyribonucleic acid.

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

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

374.2 POLICY

The Fountain Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.2.1 FELONY OFFENSES

As part of the booking process, or later if impractical during booking, the Department shall collect a biological DNA sample on every adult arrested or charged with a felony on or after September 30, 2010 (CRS § 16-23-103(1) and CRS 16-23-103(3)).

374.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (CRS § 16-23-103; CRS § 16-11-102.4):

(a) Every adult arrested for a felony offense, as part of the booking process, or who is charged with a felony by an indictment, information or felony complaint

(b) In all other cases, upon the adult's first appearance in court following the filing of charges, when a court requires the adult to submit a sample to the investigating agency responsible for fingerprinting pursuant to CRS § 16-21-104

(c) Persons who have been convicted and are required to submit a sample under CRS § 16-11-102.4

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374.3.1 BLOOD SAMPLES

A blood sample shall be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a paramedic, a qualified medical technician, a licensed physician or other person licensed by the state for this purpose.

374.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed approved training in the collection of buccal swabs and with the use of approved buccal swab collectors. A thumbprint shall be placed on the collector along with other required identifying information, such as the DNA Buccal Swab Database Card.

374.3.3 FULL PALM PRINTS AND PHOTOGRAPHS

If the offender has not been fingerprinted and photographed, full palm print impressions shall be obtained on the prescribed forms and the offender shall be photographed. Both the fingerprints and the photographs shall be forwarded to the Colorado Bureau of Investigation (see generally CRS § 16-21-104).

374.3.4 USE OF FORCE TO OBTAIN SAMPLES

An authorized employee may use reasonable force against an individual who is required to provide a DNA sample when and to the degree the employee reasonably believes the force is reasonably necessary to collect the sample (CRS § 16-23-103(5)).

(a) If, after a written or oral request, a qualified person refuses to provide any or all of the required DNA samples, an authorized employee of this department may use reasonable force to obtain such sample under the following conditions:

1. Prior to the use of reasonable force, the authorized employee shall take and document reasonable steps to secure voluntary compliance.
2. Prior to the use of reasonable force, the authorized employee shall obtain written authorization from a supervisor, which shall minimally include that the individual was asked to provide the sample and refused.
3. If the authorized use of reasonable force includes a cell extraction, such extraction shall be recorded on video.

(b) If the circumstances appear that the force required to obtain the sample may be excessive or unnecessary and is therefore unreasonable, the employee should stop the attempt and promptly complete an information report on the effort (CRS § 16-23-103(3)). In the report, he/she should at a minimum:

1. Identify the persons present.
2. Provide a description of the effort to obtain the DNA sample and the behaviors of the subject that prevented acquisition of the sample.
3. Submit the report to a supervisor.

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The supervisor should, no later than the next business day, forward the report to the prosecuting attorney with a cover letter requesting that the court order the subject to submit to the acquisition process, thereby making any noncompliance in contempt of the court. This letter is a request for authorization from the court to employ an alternative method of sampling that will allow officers/ deputies to obtain a sample with no or minimal force, including but not limited to, sedation and sampling by a medical professional.

For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, reasonable, trained and competent authorized employee faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

374.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to CRS § 16-23-103 or CRS § 16-11-102.4.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person’s criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Colorado Bureau of Investigation (CBI) to perform the collection and take steps to avoid cross contamination.

374.4.2 NOTICE OF A REJECTED SAMPLE

In the event the Colorado Bureau of Investigation notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these samples as required.

374.4.3 FOLLOW-UP NOTICE TO THE BUREAU OF INVESTIGATION

Within two years of submitting any DNA specimen, this department shall notify the Colorado Bureau of Investigation whether the individual remains a suspect in a criminal investigation. It shall be the responsibility of the Colorado Bureau of Investigation to thereafter purge samples of any individual who is no longer a suspect in any criminal investigation from the DNA database.

374.4.4 RECORDS, RETENTION AND PRESERVATION

The Department shall maintain a DNA record for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

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(a) DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).

(b) Except as provided in CRS § 18-1-1105, CRS § 18-1-1106 and CRS § 18-1-1107, the Department shall preserve the DNA evidence for the life of a defendant who is convicted, if the sample was collected in a criminal investigation that resulted in a conviction listed in CRS § 18-1-1102(1) and 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)).

374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person’s parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person’s next court appearance.

(d) The person’s attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department’s records retention schedule.

374.6 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

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374.6.1 LITIGATION
The Chief of Police or the authorized designee shall immediately notify the Colorado Attorney General's Office in the event this department is named in a lawsuit involving the DNA database.

374.6.2 FORWARDING BIOLOGICAL SAMPLES
All biological samples and related materials shall be promptly forwarded to CBI using CBI material, labels and instructions for prompt analysis (CRS § 16-23-103(6); CRS § 16-23-104).

374.7 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).

374.8 DISPOSITION OF DNA EVIDENCE
In cases described in CRS § 18-1-1102(1)(c) and 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 CRS § 18-1-1102(1)(a) and CRS § 18-1-1102(1)(b) (CRS § 18-1-1105(1)).

374.8.1 DISPOSITION OF VICTIM DNA EVIDENCE
If DNA evidence is being held that is the property of the victim, the victim may request the District Attorney to review whether the DNA evidence may be returned. If the District Attorney determines the DNA evidence may be returned, the District Attorney may file a petition with the court for the return of the DNA evidence. Upon proper receipt, the department will release DNA evidence belonging to the victim (CRS § 18-1-1107).

374.9 TRAINING
All officers are required to complete DNA training, such as that provided by the Colorado Peace Officer Standards and Training (POST) online training module (CRS § 24-31-311).

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Public Safety Video Surveillance System

378.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

378.2 POLICY

The Fountain Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

378.3 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Fountain Police Department.

Recorded videos are classified as public records (CRS § 24-72-202(6)(a); CRS § 24-72-202(7)). Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Patrol Lieutenant for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

378.4 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

378.4.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental

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factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Patrol Lieutenant's office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Patrol Lieutenant or trained personnel in the Communications Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

378.4.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

378.4.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

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The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, and video enhancement or other analytical technology, requires additional safeguards.

378.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule. Between one year and three years after the date of the creation of the recording, the recording may be accessed only if there has been a notice of claim filed, or an accident or other specific incident that may cause the recording to become evidence in a civil, labor, administrative or felony criminal proceeding, in which case the record may be retained beyond three years as necessary. The Records Custodian shall document and maintain a record of the reason for which the recording was accessed and the person who accessed the record beyond the first anniversary after its creation (CRS § 24-72-113).

378.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

378.6 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

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378.7 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

378.7.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.

(b) Name and agency of the person being given access to the images.

(c) Name of person authorizing access.

(d) Identifiable portion of images viewed.

378.7.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

378.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Fountain 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.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases, this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. 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 Patrol Lieutenant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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

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380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. 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

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

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

380.5 TRAINING

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

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Volunteers

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

384.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Fountain Police Department volunteer include:

(a) Residency in the City of Fountain.

(b) At least 18 years of age for all positions other than Explorer.

(c) At least 14 years of age for Explorer.

(d) A valid driver's license if the position requires vehicle operation.

(e) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(f) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a law enforcement officer.

(g) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.

(h) No condition of mental health disorder or chemical dependency that may adversely affect the person's ability to serve in the position.

(i) Physical requirements reasonably appropriate to the assignment.

(j) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

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The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or the authorized designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions

(b) Maintaining records for each volunteer

(c) Tracking and evaluating the contribution of volunteers

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers

(e) Maintaining a record of volunteer schedules and work hours

(f) Completion and dissemination as appropriate of all necessary paperwork and information

(g) Planning periodic recognition events

(h) Administering discipline when warranted

(i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

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A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

(d) Credit check

A truth verification exam may be required of each applicant depending on the type of assignment.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through the Colorado Bureau of Investigation.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

Reserve Unit volunteers are generally assigned to augment regular staffing levels.

384.2.5 EMPLOYEES WORKING AS RESERVE OFFICERS

Certified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (example: a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

384.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

(a) Role of the volunteer

(b) Department policies

(c) Training specific to the procedure manual for the volunteer position

(d) Discrimination and harassment training

(e) CPR/first aid

(f) CERT/Citizens Emergency Response Training

(g) Search and rescue techniques

(h) Scenario-based searching methods

(i) Evidence preservation

(j) Basic traffic direction and control

(k) Roadway incursion safety

(l) Self-defense techniques

(m) Vehicle operations, including specialized vehicles

(n) Horsemanship

(o) Issuance of citations

Pursuant to Colorado Peace Officer Standards and Training (POST) rules and regulations, the Department may establish training, licensing and continuing education requirements for its reserve officers.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a certified officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

384.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

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(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.8 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by certified officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and the necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel

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shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing

(b) Verification that the volunteer possesses a valid driver's license

(c) Verification that the volunteer carries current vehicle insurance

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is being operated during an approved skills course; that it is being used to transport equipment; that it is being used to provide supplementary assistance under the direction of an on-duty certified officer. Volunteers are not authorized to operate a Department vehicle for enforcement patrol operations or under emergency conditions (lights and siren).

384.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

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384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

384.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

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Native American Graves Protection and Repatriation

386.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

386.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

386.2 POLICY

It is the policy of the Fountain Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

386.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5; CRS § 24-80-1302):

- When appropriate, the Coroner.
- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Appropriate Colorado land management agency
- Tribal land - Responsible Indian tribal official

386.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Off-Duty Law Enforcement Actions

388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Fountain Police Department with respect to taking law enforcement action while off-duty.

388.2 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.

388.3 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 and Qualification Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment. The carrying of firearms is prohibited while under the influence of alcohol or a controlled substance (CRS § 18-12-106(d)).

388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

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(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.

388.4.1 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 Fountain Police Department officer until acknowledged. Official identification should also be displayed.

388.4.2 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.

388.4.3 RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

388.4.4 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.

388.5 REPORTING

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

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

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Chaplains

391.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Fountain Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

391.2 POLICY

The Fountain Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

391.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and from excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver's license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

391.4 RECRUIT, SELECTION AND APPOINTMENT

The Fountain Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass pre-employment procedures applicable to the position, the same as non-sworn department personnel before appointment.

391.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in two ride-alongs with department members before and during the selection process.

391.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

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(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee

391.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Fountain Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Fountain Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

391.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Deputy Chief or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Patrol Lieutenant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

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(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

391.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Fountain Police Department.

391.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

391.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled as needed.

(b) Generally, each chaplain will serve with Fountain Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift approximately twice per month and observe Fountain Police Department operations, provided the Patrol Lieutenant has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer. Chaplains shall not respond to calls for service in an emergency manner.

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(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Fountain Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i)

391.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

391.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Lieutenant or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Willingness to train others to enhance the effectiveness of the department.

391.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

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(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

391.7.6 CHAPLAIN MEETINGS
Chaplains may occasionally have meetings, if necessary.

391.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Fountain Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Fountain Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

391.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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Department Use of Social Media

392.1 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).

392.1.1 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.

392.2 POLICY

The Fountain 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 shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

392.3 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 shall 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.

392.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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(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) Media releases.

(h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

392.4.1 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.

392.4.2 OTHER REQUIREMENTS

Where reasonably possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.

392.5 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.

1. Members shall observe all copyright, trademark and service mark restrictions in posting materials to social media.

(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 Fountain 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.

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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.

392.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.

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

392.6 MONITORING CONTENT
The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the department social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

392.7 RETENTION OF RECORDS
The Administration Deputy Chief should work with the Custodian of Records 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.

392.8 TRAINING
Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Community Relations

393.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including:

- Bias-Motivated Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

393.2 POLICY

It is the policy of the Fountain Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

393.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions, Contacts and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

393.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

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(a) Obtaining department-approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Patrol Deputy Chief to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

393.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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393.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

393.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

393.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

393.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

393.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Manager should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

393.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

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393.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

393.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

393.12.1 STATE-MANDATED TRAINING

The Training Manager is responsible for ensuring that members attend community policing and community partnership training as required by CRS § 24-31-315.

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Extreme Risk Protection Orders

394.1 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).

394.1.1 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.

394.2 POLICY

It is the policy of the Fountain 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.

394.3 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 (CRS § 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 Records Supervisor 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 Manager 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).

394.4 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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394.4.1 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).

394.4.2 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 (CRS § 13-14.5-103; CRS § 13-14.5-104).

394.4.3 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 (CRS § 13-14.5-105).

Officers should document all efforts to provide notice and indicate whether or not the efforts were successful.

394.5 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).

394.5.1 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).

394.5.2 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protection order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

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In no circumstances should fewer than two officers be present when an order is being served.

394.5.3 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 Records Supervisor as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Policy.

394.5.4 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).

394.6 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.

394.7 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigation Unit 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 (CRS § 13-14.5-107).

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Generative Artificial Intelligence Use

395.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

395.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

395.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Fountain Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

395.3 RESPONSIBILITIES

395.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

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395.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administration Deputy Chief or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

(a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:

1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.

(c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

(d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.

(e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

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(f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.

(g) Developing and updating training for the authorized users of each department-approved GenAI system.

(h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.

(i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.

(j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.

(k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.

(l) Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.

(m) Developing procedures in coordination with the *Brady* information coordinator and the Records Supervisor for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Colorado Criminal Justice Records Act.

395.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

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395.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

395.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

395.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

(a) A review of this policy

(b) The need for human oversight of GenAI outputs

(c) The interpretation, review, and verification of GenAI output

(d) Checking GenAI output for bias or protected information

(e) Ethical use of GenAI technology

(f) Data security and privacy concerns

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Vehicle Pursuits

396.1 PURPOSE AND SCOPE

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

396.1.1 DEFINITIONS

Definitions related to this policy include:

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

Ramming - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop.

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

Vehicle pursuit - An attempt by one or more law enforcement officers to apprehend a suspect in a motor vehicle who, having been given a visual and audible signal to stop, fails to yield or uses high-speed driving or other evasive tactics (e.g., driving off a highway, turning suddenly) in an attempt to avoid arrest.

396.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

396.3 INITIATING A PURSUIT

Officers who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for officers and the public.

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider:

(a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.

(b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.

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(c) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, and road conditions and weather conditions.

(d) The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the [dispatcher]/supervisor.

(e) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).

(f) Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages).

(g) Whether the pursuing unit 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.

(h) The availability of other resources such as air support or vehicle locator/deactivation technology.

(i) 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).

396.4 PURSUIT UNITS

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit units and the supervisor vehicle). However, an officer or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the number of suspects.

396.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by law (CRS § 42-4-213). Each pursuit unit's emergency lights and sirens shall remain activated throughout the unit's participation in the pursuit (CRS § 42-4-108).

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

396.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, police department motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

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396.4.3 PRIMARY UNIT

The initial pursuing officer should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themself or others.

As soon as practicable, the primary unit should notify the Communications Center of the pursuit, request priority radio traffic, and provide appropriate information including:

(a) The location, direction of travel, and estimated speed of the pursuit.

(b) The description of the fleeing vehicle, including the license plate number, if known.

(c) The reason for the pursuit.

(d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).

(e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.

(f) The suspected number of occupants and their identities or descriptions.

(g) The weather, road, and traffic conditions.

(h) The need for any additional resources or equipment.

(i) The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

396.4.4 SECONDARY UNIT

The second officer in the pursuit should be designated as the secondary unit and is responsible for:

(a) Notifying the Communications Center of their entry into the pursuit.

(b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(c) Identifying the need for and requesting additional resources or equipment as appropriate.

(d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

396.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual content with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted.

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The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information pertinent to evaluating whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

396.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following:

(a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.

(b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.

(c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:

1. Request assistance from available air support.
2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the fleeing vehicle.

(d) Pursuing units should request that the Communications Center notify the Colorado State Patrol and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

396.5.1 RULES OF THE ROAD

Officers shall drive with due regard for the safety of all persons and property. However, when in pursuit, if there is no unreasonable risk to persons and property, officers may (CRS § 42-4-108):

(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.

(c) Disregard regulations governing direction of movement or turning in specified directions.

396.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in

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the event of an unintended accident or a suspect intentionally trying to ram the police department vehicle.

Other than clearing intersections along the pursuit path, uninvolved officers should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing officers and officers who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Officers should not parallel the pursuit route.

396.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

(a) Immediately notifying the involved units and the [dispatcher] of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.

(b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.

(c) Confirming that no more pursuing units than required are involved in the pursuit.

(d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.

(e) Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.

(f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.

(g) Verifying that the proper radio channel is being used.

(h) Confirming the Patrol Lieutenant has been notified of the pursuit.

(i) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.

(j) Continuing the management and control of Fountain Police Department units when a pursuit enters another jurisdiction.

(k) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

396.6.1 PATROL LIEUTENANT RESPONSIBILITIES

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

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396.7 THE COMMUNICATIONS CENTER

Radio communications during a pursuit should 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 units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

396.7.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the [dispatcher] is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Patrol Lieutenant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

396.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

396.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Fountain Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

396.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officers from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Fountain Police Department, the Patrol Lieutenant or supervisor should review the request as soon as practicable, taking into consideration:

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(a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.

(b) Whether there is adequate staffing to continue the pursuit.

(c) The available units' capabilities to maintain the pursuit.

(d) The number of available units and other resources of the pursuing agency.

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

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

396.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to officers and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

396.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

(a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.

(b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.

(c) Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.

(d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.

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(e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.

(f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the [dispatcher] and all involved units.

396.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper.

Before conducting a PIT, officers should consider factors such as:

(a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or officer losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the officer has received training.

(b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.

(c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.

(d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.

(e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

396.9.3 BOXING-IN

Boxing-in should only be used when the fleeing vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

396.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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396.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

396.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually reevaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

(a) A supervisor directs the pursuit to be terminated.

(b) The location of the fleeing vehicle is no longer known.

(c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.

(d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the [dispatcher].

396.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

396.10.2 APPREHENSION OF SUSPECTS

Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, an officer other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

396.11 DEBRIEFING

Participating officers should return to the Department as soon as practical following a pursuit to debrief with a supervisor.

396.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

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(a) Pursuing officers should complete appropriate crime/arrest and pursuit reports.

(b) The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Chief of Police or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum:

1. Date and time of the pursuit.
2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Chief of Police should direct an annual documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of officers, suspects, or case numbers.

396.13 PURSUIT TRAINING

The Training Manager should ensure that members of this department receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., officers, supervisors, air units, [dispatcher]s).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

396.14 POLICY ACKNOWLEDGEMENT

Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on the policy is provided.

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ADA Compliance

397.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Fountain Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

397.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Fountain Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. This includes a person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids (CRS § 13-90-202). Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified

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interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should have a valid certification of competency accepted by the Department of Human Services (CRS § 13-90-202).

397.2 POLICY

It is the policy of the Fountain Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

397.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the City ADA coordinator regarding the Fountain Police Department's efforts to provide equal access to services, programs, and activities.

1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current department facilities to identify access issues.
2. Review of current department services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.

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(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other [city/county] departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

397.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

397.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

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(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.
2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

397.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

397.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

397.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

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Factors to consider when determining whether an alternative method may be effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length, and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

Any waiver of a qualified interpreter, assistive device, or auxiliary aid shall be in writing. The person may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication (CRS § 13-90-208).

397.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

397.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

397.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying.

Officers pursuing a criminal investigation shall make arrangements to provide a qualified interpreter, assistive device, or auxiliary aid to assist in an interview or questioning of a victim or witness who has a hearing impairment (CRS § 13-90-204).

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The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

397.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

397.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

397.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully

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considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

397.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

397.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

397.6.1 STATE REQUIREMENTS

Officers who arrest an individual with a hearing impairment shall make available to the individual a qualified interpreter to assist during *Miranda* warnings, interrogations, or statements. If the individual is otherwise eligible for release, they shall not be held pending the arrival of a qualified interpreter (CRS § 13-90-204).

397.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

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397.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

397.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

397.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

397.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

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Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

397.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all the Communications Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

397.11.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Annual in-service training for officers shall include training on interactions with persons with various types of disabilities (CRS § 24-31-315).

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Service Animals

398.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

398.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is 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 individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

398.2 POLICY

It is the policy of the Fountain Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service animal (CRS § 24-34-804).

398.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Fountain Police Department affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

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.

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- 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.

398.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally 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 member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service 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 questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

398.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

398.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler 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 service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and 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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

398.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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 handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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Service Animals

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 (DOJ).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Fountain, 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 Fountain 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 Investigation Unit supervisor in a timely fashion.

The Investigation Unit 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 Fountain Police Department.

400.2.1 CRIME ANALYSIS UNIT

Criminal information and reports can be submitted to the Records Section for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These include, but are not limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Investigation Unit for display of suspect information, investigative reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room clipboard.

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.

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Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Fountain Police Department 's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (CRS § 24-31-309).

402.2 POLICY

The Fountain Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of racial- or bias-based profiling to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Officers shall provide, without being asked, a business card to any person who was detained in a traffic stop and was not cited or arrested. The business card shall include identifying information including, but not limited to, the officer's name, division, precinct and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, either positive or negative, regarding the traffic stop (CRS § 24-31-309(4)(a)).

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402.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy. Supervisors should ensure that the identity of a person filing a bias-based profiling complaint is kept confidential to the extent permitted by law or unless necessary for further processing of the complaint (CRS § 24-31-309).

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal, (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 bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 STATE REPORTING
The Department shall compile, on at least an annual basis, any information derived from complaints of profiling that are received due to the distribution of business cards as provided in this policy. The information shall be made available to the public but shall not include the names of officers or the names of persons alleging profiling (CRS § 24-31-309).

402.7 ADMINISTRATION
Each year, the Patrol Deputy Chief should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to

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the Chief of Police. The annual report should not contain any identifying information about 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 should review the information compiled from complaints, as provided in this policy and the annual report, and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

All certified members will attend regular training on the subject of bias-based policing (CRS § 24-31-309). All newly employed officers should receive a copy of this policy and initial training on the subject of bias-based policing.

402.9 PUBLIC INFORMATION

The Patrol Deputy Chief will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).

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Briefing

404.1 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.

404.2 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.

404.3 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.

404.4 RETENTION OF BRIEFING AND ROLL CALL TRAINING RECORDS

Briefing and roll call training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 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 shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.3 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.

406.4 POLICY

It is the policy of the Fountain 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.

406.5 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

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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.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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Rapid Response Team

408.1 PURPOSE AND SCOPE

The Rapid Response Team (RRT) is comprised of a specialized team: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (RRT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Emergency Services Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to Department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 LEVEL I

Level I SWAT team - Is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally, 5 percent of the basic team’s on-duty time should be devoted to training.

408.2.2 LEVEL II

Level II SWAT team - Is an intermediate level team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

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408.2.3 LEVEL III

Level III SWAT team - Is an advanced level team whose personnel function as a full-time unit. Generally, 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Extrajurisdictional response

(i) Specialized functions and supporting resources

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408.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to ESU members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator should be defined.

(f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) The elements of post-incident scene management should include:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
    (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments.

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It also helps to identify training needs and reinforces sound risk management practices.

(b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.

(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT/ESU commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the department.

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408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the ESU commander. The ESU commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT basic drill for the handgun. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the ESU commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Quarterly each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the ESU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

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408.4.6 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT AND FIREARMS

408.5.1 UNIFORMS
SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.5.2 EQUIPMENT
SWAT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

408.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be department-issued or approved, including any modifications, additions or attachments.

408.5.4 OPERATIONAL READINESS INSPECTION
The commander of the ESU shall appoint a ESU supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the ESU commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

408.6 MANAGEMENT/SUPERVISION OF EMERGENCY SERVICES UNIT
The commander of the ESU shall be selected by the Chief of Police upon recommendation of the staff.

408.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Patrol Deputy Chief, the Emergency Services Unit shall be managed by the appointed ESU commander.

408.6.2 TEAM SUPERVISORS
The CNT and each SWAT team will be supervised by a team leader who has been appointed by the ESU commander.

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The team supervisors shall be selected by the Chief of Police upon specific recommendation by the staff and the ESU commander.

The following represent supervisor responsibilities for the Emergency Services Unit:

(a) The CNT supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the ESU commander.

(b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the ESU commander.

408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

408.7.1 SELECTION OF PERSONNEL

Interested certified personnel, who are off probation, shall submit a request to their appropriate Deputy Chief. A copy will be forwarded to the ESU commander and the CNT sergeant. Qualified applicants will then be invited to an oral interview. The oral board will consist of the ESU commander, the CNT sergeant and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process

(c) Effective communication skills to ensure success as a negotiator

(d) Special skills, training or appropriate education as it pertains to the assignment

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

The oral board shall submit a list of successful applicants to the Patrol Deputy Chief for final selection.

408.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team supervisor.

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Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

408.8.1 SELECTION OF PERSONNEL

Interested certified personnel who are off probation shall submit a request to their appropriate Deputy Chief, a copy of which will be forwarded to the ESU commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the ESU commander. The testing process will consist of an oral board, physical agility test and a SWAT basic handgun and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the ESU commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance
2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member
3. Special skills, training or appropriate education as it pertains to the assignment
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the ESU commander in collaboration with the Department of Human Resources. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT basic drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

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(e) A list of successful applicants shall be submitted to the staff by the ESU commander for final selection.

408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the ESU commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

408.9 OPERATIONAL GUIDELINES FOR EMERGENCY SERVICES UNIT

The following procedures serve as guidelines for the operational deployment of the Emergency Services Unit. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the ESU commander.

408.9.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Emergency Services Unit should respond. Upon final determination by the Patrol Lieutenant, the ESU commander will be notified.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF A EMERGENCY SERVICES UNIT

The following are examples of incidents that may result in the activation of the Emergency Services Unit:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages have been taken

(c) Cases of suicide threats

(d) Arrests of persons reasonably believed to be dangerous

(e) Any situation in which ESU or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Patrol Lieutenant. Deployment of the Fountain Police Department Emergency Services Unit in response to requests by other agencies must be authorized by a Deputy Chief.

408.9.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

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(a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Fountain Police Department SWAT team shall operate under the policies, procedures and command of the Fountain Police Department when working in a multi-agency situation.

408.9.5 MOBILIZATION OF EMERGENCY SERVICES UNIT

The on-scene supervisor shall make a request to the Patrol Lieutenant for the Emergency Services Unit to respond. The Patrol Lieutenant shall then notify the ESU commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Patrol Lieutenant's office by the ESU commander. The Patrol Lieutenant will then notify the Patrol Deputy Chief as soon as practicable.

The Patrol Lieutenant should brief the ESU commander with the following information if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The ESU commander shall then call selected officers to respond.

408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Emergency Services Unit, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish a patrol emergency arrest/response team prior to SWAT arrival. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a lethal threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

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(e) Attempt to establish preliminary communications with the suspect. Once the ESU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.

(f) Be prepared to brief the ESU commander on the situation.

(g) Plan for and stage anticipated resources.

408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Emergency Services Unit, the Incident Commander shall brief the ESU commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the ESU commander, whether to deploy the Emergency Services Unit. Once the Incident Commander authorizes deployment, the ESU commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Emergency Services Unit. The Incident Commander and the ESU commander or the authorized designee shall maintain communications at all times.

408.9.8 COMMUNICATION WITH EMERGENCY SERVICES PERSONNEL

All persons who are non-Emergency Services Unit personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with ESU personnel directly. All non-emergency communications shall be channeled through the CNT sergeant or the authorized designee.

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Ride-Alongs

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Fountain Police Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

410.2 POLICY

Ride-along opportunities will be provided to members of the public, City employees, and members of this department to observe and experience, first-hand, various functions of the Fountain Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as the Communications Center.

410.3 ELIGIBILITY

A ride-along is available to Fountain residents and business owners, students currently attending class in Fountain, and those employed within the City of Fountain. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the City.
- Denial by any supervisor.

410.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10 a.m. to 11 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or Patrol Lieutenant.

410.5 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Cadets
- Explorers
- Volunteers
- Chaplains
- Reserves

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- Auxiliaries
- Fountain Police Department applicants
- Any others with approval of the Patrol Lieutenant
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Cadets and Explorers are covered in the Police Cadets and Explorers Policy.

410.5.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Patrol Lieutenant.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or City employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this department or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

410.5.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Colorado Crime Information Center (CCIS) and National Crime Information Center (NCIC) criminal history check prior to approval of the ride-along.

410.5.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse, or jacket; slacks; and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Patrol Lieutenant. The Patrol Lieutenant or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

410.6 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Patrol Lieutenant. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address, and telephone number.

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The Patrol Lieutenant will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate Division as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

410.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the department member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handing any police department equipment.

(c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.

1. If the ride-along is in progress, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence with the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the [dispatcher] that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The [dispatcher] will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Patrol Lieutenant. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Patrol Lieutenant.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - A substance which by its nature, containment and reactivity, has the capability of inflicting harm to people, other living organisms, property or the environment during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, explosive, oxidizing, asphyxiating, pathogenic, allergenic, biohazardous, or radioactive and pose a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver's statements or shipping documents from the person transporting the material.

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3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Contact the local Colorado State Patrol Dispatch to request assistance from the Colorado State Patrol Hazardous Materials Unit.

(l) If available, activate reverse 9-1-1 calling to the affected area.

412.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum, which shall be forwarded via chain of command to the Deputy Chief as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

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Hazardous Material Response

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

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Hostage and Barricade Incidents

414.1 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.

414.1.1 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.

414.2 POLICY

It is the policy of the Fountain 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.

414.3 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.

414.3.1 EMERGENCY COMMUNICATIONS

Any department member supervising a hostage or barricade situation in this jurisdiction may order a security employee of a communications or internet access provider to cut, reroute or divert telephone lines or a cellular or digital communications signal to prevent the suspect from communicating with any person other than a law enforcement officer (CRS § 18-9-312).

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Any department member supervising a hostage or barricade situation may also order a telecommunication provider to disclose location information of any hostage's or other named person's telecommunications device if the supervising member reasonably believes that the time required to obtain a court order would increase the risk of death or serious bodily injury to the hostage or any person with the named person (CRS § 18-9-312). The supervising member shall ensure that a court order is obtained within 48 hours of the initial request for the location information (CRS § 18-9-312).

414.4 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.

414.4.1 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.

414.4.2 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.

414.5 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 ESU response if appropriate and apprising the ESU 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 the Communications Center.

(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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414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the IC's decision, with input from the ESU Commander, whether to deploy the ESU during a hostage or barricade situation. Once the IC authorizes deployment, the ESU 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 ESU. The IC and the ESU Commander or the authorized designee shall maintain communications at all times.

414.6.1 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.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Fountain 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.

416.2 POLICY

It is the policy of the Fountain Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 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 Patrol Lieutenant is immediately advised and informed of the details. This will enable the Patrol Lieutenant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 FOUNTAIN POLICE DEPARTMENT FACILITY

If the bomb threat is against the Fountain Police Department facility, the Patrol Lieutenant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Fountain 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 Patrol Lieutenant deems appropriate.

416.4.3 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.

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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.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Fountain, 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 Patrol Lieutenant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Patrol Lieutenant should be notified when police assistance is requested. The Patrol Lieutenant 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 Patrol Lieutenant determine that the Department will assist or control such an incident, he/she will determine:

(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.

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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.

416.6 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 Patrol Lieutenant including:

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.

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5. The areas to be evacuated or cleared.

416.7 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.

416.7.1 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.

416.7.2 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
- Patrol Lieutenant
- 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

416.7.3 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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416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Lieutenant 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.

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Civil Commitments

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (CRS § 27-65-105).

418.2 POLICY

It is the policy of the Fountain Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

418.3 AUTHORITY

Officersmay take a person into protective custody (CRS § 27-65-105).

(a) When the officer has probable cause to believe that a person is either gravely disabled or an imminent danger to him/herself or others.

1. The officermust transport the person to a facility designated or approved by the local mental health authority for a 72-hour treatment and evaluation.

(b) When the officer has probable cause to believe that a person is in immediate need of evaluation to prevent physical or psychiatric harm to him/herself or others.

1. The officer must transport the person to an outpatient mental health facility or other clinically appropriate facility designated or approved by the local mental health authority.

If the appropriate facility is not available, officers may take the person to an emergency medical services facility, as defined by CRS § 27-65-102 (CRS § 27-65-105).

418.3.1 DETENTION

Detention of a person under this policy does not constitute an arrest. When a person is taken into custody, that person shall not be detained in the jail, lockup, or other place used for the confinement of persons charged with an offense (CRS § 27-65-105(2)).

418.3.2 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a voluntary application.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

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418.3.3 RESTRAINTS
If the patient is violent or potentially violent, the officer will notify the staff. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.4 WRITTEN DOCUMENTATION
The officer shall complete an application for emergency admission and provide it to the staff member assigned to that patient. The officer will retain a copy of the emergency admission form for inclusion in the case report.

The officer shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

418.3.5 SECURING OF WEAPONS
If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

418.4 CONSIDERATIONS AND RESPONSIBILITIES
Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

418.5 TRANSPORTATION
When transporting any individual for a civil commitment, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Patrol Lieutenant approval is required before transport commences.

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418.5.1 RETURN OF FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the return of any weapon taken into custody might endanger the person or others, the officer shall detail those facts and circumstances in a report.

(b) The report shall be forwarded to the Investigation Unit which shall be responsible for initiating a petition to the District Court through the City Attorney for a hearing to determine whether the weapon will be returned.

(c) If no petition is initiated within the above period, the Department shall make the weapon available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and satisfactory evidence of ownership, or authorization by the owner is established.

(e) A firearm may not be released until it has been verified that the person receiving the weapon, who may or may not be its owner, is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or CRS § 18-12-108.

(f) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal.

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION

The officer shall complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report (CRS § 27-65-105).

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a civil commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may 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.

418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before 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.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with mental health disorders and on civil commitments and crisis intervention.

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Summons Releases

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Fountain 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.

420.2 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.

420.3 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.

420.3.1 PROHIBITIONS IN CERTAIN NON-VIOLENT OFFENSES

A summons otherwise authorized pursuant to procedures approved by the local district attorney shall 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.

420.4 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.

420.4.1 PENALTY ASSESSMENTS

A decision to use the penalty assessment procedure shall be based upon circumstances which reasonably persuade the officer that the offender is likely or unlikely to comply with the terms of the penalty assessment notice (CRS § 16-2-201).

420.5 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.

420.6 POLICY

The Fountain 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.

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Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Fountain Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089 , or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

422.3 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)

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Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

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(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

422.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

422.5 POLICY

The Fountain Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

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422.6 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

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Rapid Response and Deployment

424.1 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.

424.2 POLICY

The Fountain Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

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(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.4 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.

424.5 PLANNING

The Patrol Deputy Chief should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

424.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Fountain Police Department relating to immigration and interacting with federal immigration officials.

428.2 POLICY

It is the policy of the Fountain Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or Colorado constitutions.

428.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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428.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority policy).

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

428.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

428.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

428.9 TRAINING

The Training Manager should ensure that officers receive training.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Communications Center.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by the Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Fountain contracts with a private company to furnish maintenance for all traffic signals within the City, other than those maintained by the Colorado Department of Transportation (CDOT).

430.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Patrol Rifles

432.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Fountain Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITIONS

Definitions related to this policy include:

Patrol rifle - An authorized weapon owned by the Department, which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the Department Rangemaster.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications and approved by the Chief of Police, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt or Bushmaster AR-15.

432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster, who shall inspect and service each patrol rifle on a monthly basis.

(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or the Rangemaster.

(d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial eight-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required

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to successfully complete quarterly training and yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

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

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

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

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

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

(f) When authorized or requested by a supervisor.

(g) When appropriate to aid in the dispatch of an animal.

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Firearms Discharge Policy.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

432.9 RIFLE STORAGE

(a) When not in use, patrol rifles, either personal or department owned, will be stored in a safe & secure manner.

(b) In-service patrol rifles should be secured in the vehicle gun lock or case.

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Aircraft Accidents

434.1 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.

434.1.1 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.

434.2 POLICY

It is the policy of the Fountain Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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434.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

434.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

434.7 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.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the City of Fountain shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of FPD 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.

434.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.8.2 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.

434.9 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.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Patrol Training Officer Program

436.1 PURPOSE AND SCOPE

The Patrol Training Officer (PTO) Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Fountain Police Department.

It is the policy of this department to assign all new police officers to a structured PTO Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER

The PTO is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

PTOs will be selected based on the following requirements:

(a) Desire to be an PTO

(b) Minimum of three years of patrol experience, one of which shall be with this department

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors and current PTOs

(f) Possess a Colorado Peace Officer Standards and Training (POST) Basic Certificate

436.2.2 TRAINING

An officer selected as an PTO shall successfully complete an PTO course approved by the Department prior to being assigned as an PTO.

All PTOs should complete an PTO update course approved by the Department every three years while assigned to the position of PTO.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The PTO Program supervisor will be selected from the rank of sergeant or above by the Operations Division Commander or the authorized designee and shall complete a Field Training Administrator's Course approved by the Department within one year of appointment to this position.

The responsibilities of the PTO Program supervisor includes the following:

(a) Assign trainees to PTOs.

(b) Conduct PTO meetings.

(c) Maintain and ensure PTO/trainee performance evaluations are completed.

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(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual PTO performance.

(f) Monitor the overall PTO Program.

(g) Maintain liaison with PTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for PTOs.

436.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Fountain Police Department, who has successfully completed a POST-approved basic academy and possesses a Colorado POST Basic Certificate within one year of commencing employment as a peace officer.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Patrol Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different PTOs if reasonably possible.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Patrol Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Fountain Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Patrol Training Manual will specifically cover those policies, procedures, rules and regulations of the Fountain Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

(a) PTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.

(b) PTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the PTO at the end of each phase of training.

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(d) PTOs shall be responsible for signing off on all completed topics contained in the Patrol Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR
The PTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Patrol Training Administrator.

436.6.3 FIELD TRAINING ADMINISTRATOR
The Patrol Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the PTO's immediate supervisor.

The Patrol Training Administrator will hold periodic meetings with all PTOs to ensure understanding and compliance with the requirements of the Patrol Training Program. At least annually, the Patrol Training Administrator will hold a process review meeting with all PTOs to discuss changes needed in the PTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Chief of Police for review and approval.

436.6.4 TRAINEE
At the completion of the Patrol Training Program, the trainee shall submit a performance evaluation of each of his/her PTOs and of the Patrol Training Program.

436.7 DOCUMENTATION
All documentation of the Patrol Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End of phase evaluations

(c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training

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Obtaining Air Support Assistance

438.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

438.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Patrol Lieutenant or the authorized designee will call the closest agency having air support available. The Patrol Lieutenant will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

(f) Pre-planned events or actions that require air support

(g) When the Patrol Lieutenant or equivalent authority determines a reasonable need exists

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

440.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

440.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable

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suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Fountain Police Department to strengthen community involvement, community awareness, and problem identification.

440.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the [officer_deputy] should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

440.3 CONSENSUAL SEARCHES

An officer may conduct a consensual search of a person who is not under arrest, and any effects of the person or a vehicle as follows (CRS § 16-3-310):

(a) The person has apparent or actual authority to provide permission to search the vehicle or effects, if any.

(b) The person is informed that he/she is being asked to voluntarily consent to a search.

(c) The person is informed that he/she has the right to refuse the request to search.

(d) The person voluntarily provides consent.

When asking for consent, officers should explain the scope of the search. Officers should stop a consent search if the person withdraws consent.

Officers should, whenever practicable, obtain written consent. If written consent is not possible, the officer should record any verbal consent.

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440.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to (see also CRS § 16-3-103(2)):

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

440.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

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440.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Patrol Lieutenant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Patrol Lieutenant should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Patrol Lieutenant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

440.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

440.6 POLICY

The Fountain Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

440.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.

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

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Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Fountain Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

442.2 POLICY

The Fountain Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

442.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

442.3.2 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor's responsibility to approve the entry of any information into a criminal intelligence system operated by the Colorado Bureau of Investigation (CRS § 24-33.5-415.3(3); CRS § 24-33.5-412(1)(i)). Entries into such a database shall be based upon criteria established by statute.

442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

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The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

442.4.3 INQUIRY BY PARENT OR GUARDIAN
When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the gang unit supervisor unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

Employees must strictly comply with the procedures governing the release of information from a criminal gang intelligence database approved by the Department.

442.4.4 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION
When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Chief of Police or the authorized designee shall review the information in the file. If, after conducting a review of the information, it is determined that the information is not accurate, all records shall be purged and disposed in compliance with the organization's records retention schedule.

442.5 INFORMATION RECOGNITION
Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION
Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile’s name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

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442.7 CRIMINAL STREET GANGS

The Investigation Unit supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

442.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Patrol Lieutenants

444.1 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 Lieutenant heads each watch.

444.2 DESIGNATION AS ACTING PATROL LIEUTENANT

When a Lieutenant is unavailable for duty as Patrol Lieutenant, in most instances the qualified sergeant shall be designated as acting Patrol Lieutenant. This policy does not preclude designating a less senior officer as an acting Patrol Lieutenant when operational needs require or training permits.

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Mobile Audio Video

446.1 PURPOSE AND SCOPE

The Fountain Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

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

MAV technician - Personnel, certified or civilian, trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2 POLICY

It is the policy of the Fountain Police Department to use mobile audio and video technology to more effectively fulfill the Department's mission and to ensure these systems are used securely and efficiently.

446.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment.

In the event an officer works at a remote location and reports in only periodically, multiple recording media may be issued. Only Fountain Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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446.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

446.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations.

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DVVI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Communications Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls

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2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or in other similar situations.

446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

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When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of surveillance regarding the conversations or actions of an officer.

446.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media in pristine condition.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment.

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

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(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Patrol Lieutenant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

446.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence, will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

446.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

446.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Fountain Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

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(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside a MAV-equipped law enforcement vehicle in order to intentionally interfere with the capability of the MAV system to record audio data.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

446.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secured location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

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446.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Mobile Data Terminal Use

448.1 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 the Communications Center.

448.2 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).

448.3 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Patrol Lieutenants.

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.

448.3.1 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 shall 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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448.4 POLICY

Fountain Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

448.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Lieutenant 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 shall 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 shall document it via the MDT.

448.5.1 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.

448.5.2 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 Patrol Lieutenant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 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 shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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448.6.2 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.

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Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under Colorado's medical marijuana laws.

452.1.1 DEFINITIONS

Definitions related to this policy include:

Allowed amount of marijuana - No more marijuana than is medically necessary to address a debilitating or disabling medical condition. Though the amount may be greater, anything at or below the following amount qualifies as an allowed amount (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106):

(a) No more than 2 ounces of a usable form of marijuana

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

Medical use - The acquisition, possession, production, use or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating or disabling medical condition, which may be authorized only after a diagnosis of the patient's debilitating or disabling medical condition by a physician (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

Patient - A person who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

Primary caregiver - A person, other than the patient and the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14). A primary caregiver may have one or more relationships with a patient, including as (CRS § 25-1.5-106):

(a) A parent of a child and anyone who assists that parent with caregiver responsibilities, including cultivation and transportation.

(b) An advising caregiver who advises a patient on which medical marijuana products to use and how to dose them, and does not possess, provide, cultivate or transport marijuana on behalf of the patient.

(c) A transporting caregiver who purchases and transports marijuana to a patient who is homebound.

(d) A cultivating caregiver who grows marijuana for a patient.

Registry Identification Card(RIC) - That document, issued by the Colorado Department of Public Health and Environment, that identifies a patient authorized to engage in the medical use of

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marijuana and such patient's primary caregiver, if one has been designated (Colo. Const. art. XVIII, § 14).

Usable form of marijuana - The seeds, leaves, buds and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use. It does not include the plant's stalks, stems and roots.

452.2 POLICY

It is the policy of the Fountain Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Colorado medical marijuana laws are intended to provide protection from prosecution to those who acquire, possess, manufacture, produce, use, sell, distribute, dispense or transport marijuana for debilitating or disabling medical conditions. However, Colorado medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The Fountain Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Colorado law and the resources of the Department.

452.3 INVESTIGATION

Investigations involving the acquisition, possession, manufacture, production, use, sale, distribution, dispensing or transportation of marijuana generally fall into one of the following categories:

(a) Investigations when no person makes a medicinal claim

(b) Investigations when a medical-use claim is made by an adult who has not been issued a RIC

(c) Investigations when a medical-use claim is made by an adult who has been issued a RIC

(d) Investigations when a medical-use claim is made by a juvenile

452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is being used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant as to whether the marijuana was possessed or produced for medicinal purposes.

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452.3.2 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS NOT BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, should not be arrested for a marijuana-related offense when:

(a) The patient (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

1. Was previously diagnosed by a physician as having a debilitating or disabling medical condition.
2. Was advised by his/her physician, in the context of a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating or disabling medical condition.
3. Was collectively in possession of an allowed amount of marijuana.

(b) The amount is permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16).

A copy of an application submitted to the Colorado Department of Public Health and Environment, including the written documentation and proof of the date of mailing or other transmission of the written documentation, shall be accorded the same legal effect as a RIC until such time as the patient receives notice that the application has been denied (Colo. Const. art. XVIII, § 14(3)(d)).

452.3.3 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, shall not be arrested for a marijuana-related offense when all of the following exist (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

(a) The patient or primary caregiver is in lawful possession of a RIC.

(b) The marijuana in question is for medical use.

(c) The patient or primary caregiver is in possession of no more than 2 ounces of a usable form of marijuana and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

A patient or primary caregiver in lawful possession of a RIC should not be arrested for any quantity of marijuana above the specified amounts of marijuana (2 ounces, six plants) if the amount is no more than is medically necessary to address a debilitating or disabling medical condition.

Evidence that an extended amount is medically necessary may include a voluntary disclosure by the patient in his/her registration information that he/she intends to cultivate more than six plants for his/her own medical use (CRS § 25-1.5-106).

452.3.4 INVESTIGATIONS RELATED TO A MEDICAL-USE CLAIM BY A JUVENILE

A juvenile under the age of 18 shall not be arrested for a marijuana-related offense if all of the following conditions exist (Colo. Const. art. XVIII, § 14(6); CRS § 25-1.5-106):

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(a) The juvenile is in lawful possession of a RIC.

(b) The juvenile and parental primary caregiver collectively possess no more than an allowed amount of marijuana.

(c) The parental primary caregiver controls the acquisition, dosage and frequency of use of the marijuana.

452.3.5 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

(a) Officers shall immediately notify the Colorado Department of Public Health and Environment when any person in possession of a RIC has been determined by a court of law to have willfully violated the provisions of medical marijuana laws or has pleaded guilty to such an offense (Colo. Const. art. XVIII, § 14(3); CRS § 25-1.5-106).

(b) Because enforcement of medical marijuana laws can be complex, time-consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors exist, such as limited available department resources and time constraints.

(c) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, officers should consider:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Other factors such as the climate and whether the marijuana is being cultivated indoors or outdoors.

(d) Before proceeding with enforcement related to a locally approved business that cultivates, manufactures or sells medical marijuana or medical marijuana-infused products, officers should consider conferring with appropriate legal counsel.

(e) Primary caregivers must be registered to cultivate or transport marijuana and have supporting receipts when transporting the marijuana. Officers may report a primary

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caregiver to the state licensing authority if the primary caregiver fails to provide proper documentation showing that he/she has registered (CRS § 25-1.5-106).

1. Primary caregivers have additional registration requirements if they grow 37 or more plants. Additionally, primary caregivers may not grow 100 or more plants (CRS § 25-1.5-106).

452.3.6 EXCEPTIONS

Officers may take enforcement action against a patient or primary caregiver who (Colo. Const. art. XVIII, § 14(5); CRS § 25-1.5-106):

(a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person.

(b) Unlawfull engages in the medical use of marijuana in plain view of, or in a place open to, the general public (CRS § 44-10-702).

(c) Undertakes any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice.

(d) Possesses or uses non-smokable medical marijuana without authorization on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).

(e) Possesses or uses smokable medical marijuana on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).

(f) Engages in the use of medical marijuana in a correctional facility, community corrections facility, or in a vehicle, aircraft, or motorboat.

(g) Engages in the use of medical marijuana while sentenced to jail/prison.

(h) Operates, navigates, or is in actual physical control of any vehicle, aircraft, or motorboat while under the influence of medical marijuana.

(i) Manufactures marijuana concentrate in an unregulated environment using an inherently hazardous substance (CRS § 18-18-406.6).

(j) Grows or possesses on residential property more than the number of marijuana plants as set forth in CRS § 25-1.5-106.

452.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

452.5 EVIDENCE

452.5.1 MEMBER RESPONSIBILITIES

The investigating member should advise the receiving Property and Evidence Section member when marijuana may be the subject of a medical claim.

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452.5.2 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not harmed, neglected, injured or destroyed (Colo. Const. art. XVIII, § 14(2)(e)).

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section Supervisor should follow the Property and Evidence Policy and related procedures.

The Property and Evidence Section Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit Supervisor.

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Bicycle Patrol Unit

454.1 PURPOSE AND SCOPE

The Fountain Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Patrol Lieutenant.

454.3 SELECTION OF PERSONNEL

Interested certified personnel, who are off probation, shall submit a change of assignment request to their appropriate Lieutenant. A copy will be forwarded to the Bicycle Patrol Unit supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Bicycle Patrol Unit supervisor and a second person to be selected by the Bicycle Patrol Unit supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Special skills or training as they pertain to the assignment

(c) Good physical condition

(d) Willingness to perform duties using the bicycle as a mode of transportation

454.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Deputy Chief or the authorized designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment

(c) Scheduling maintenance and repairs

(d) Evaluating the performance of bicycle officers

(e) Coordinating activities with the Patrol Division

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(f) Inspecting and documenting, no less than every three months, that bicycles not in active service are in a serviceable condition

(g) Other activities as required to maintain the efficient operation of the unit

454.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

454.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a jacket in colder weather. Insulated clothing is permitted when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

454.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag or attached gear bag. Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

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Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first-aid kit, tire pump, repair tool, tire tube, security lock with chain/cable, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with flashing, oscillating or rotating red signal light that is visible from the front, sides or rear of the bicycle (CRS § 42-4-213).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly, to be performed by a repair shop/ technician that is approved by the Department.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of nonuse, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

454.7 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Colorado law, unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

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Foot Pursuits

458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

458.2 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 department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

458.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

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 shall 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 departmentmembers and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances 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) Air support.

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(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

458.4 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 shall 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 departmentmembers or the public if the suspect is not immediately apprehended.

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(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

458.5 REPORTING REQUIREMENTS

The initiating officer shall 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 shall 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 shall 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.

458.6 RESPONSIBILITIES IN FOOT PURSUITS

458.6.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit 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

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(b) Call sign identifier

(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.

458.6.2 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.

458.6.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall 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 shall promptly proceed to the termination point to direct the post-foot pursuit activity.

458.6.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

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(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Patrol Lieutenant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

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Automated License Plate Readers (ALPR)

460.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. The ALPR is used by the Fountain Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

460.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the assigned Lieutenant. The Lieutenant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

460.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) If practicable, the officer should verify an ALPR response through the Colorado Bureau of Investigation before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may access the Colorado Bureau of Investigation data unless authorized to do so.

460.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Fountain Police Department and because such data may contain confidential information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

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The Lieutenant is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by department records retention guidelines and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

460.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Fountain Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile work station and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Fountain Police Department recognizes that members of the homeless community are often in need of special protection and services. The Fountain Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

464.1.1 POLICY

It is the policy of the Fountain Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the homeless liaison officer. The responsibilities of the homeless liaison officer include:

(a) Maintaining and making available to all Department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintaining a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and cleanup operations.
2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any cleanup operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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464.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the

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arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department homeless liaison officer. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to the homeless liaison officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform the Department homeless liaison officer if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of the homeless liaison officer to address the matter in a timely fashion.

464.5 MENTAL HEALTH DISORDERS AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental health disorder or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental health disorder hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Public Recording of Law Enforcement Activity

465.1 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.

465.2 POLICY

The Fountain 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.

465.3 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.

465.4 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 behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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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 shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

465.5 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.

465.6 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 shall provide the person with his/her identification, agency name and the reason the information is requested.

        (b) If the person voluntarily provides his/her device or media to the member, the search of the device or media shall be limited to the

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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.

465.6.1 SEARCH WARRANTS

When a member seizes a recording device or media without the person's consent or without a search warrant, a search warrant for the recording shall be sought within 72 hours of the seizure (CRS § 16-3-311).

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Suspicious Activity Reporting

465.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

465.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

465.2 POLICY

The Fountain Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

465.3 RESPONSIBILITIES

The Investigation Deputy Chief and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Deputy Chief include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

465.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

465.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigation Unit supervisor
- Crime Analysis Unit
- Other authorized designees

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Crisis Intervention Incidents

466.1 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.

466.1.1 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.

466.2 POLICY

The Fountain 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.

466.3 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

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.

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466.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Deputy Chief 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).

466.5 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.

466.6 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.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and 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.

466.7 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.

466.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(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).

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(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 Deputy Chief.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

466.9 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.

466.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

466.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and 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.

466.11 EVALUATION

The Deputy Chief 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.

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466.12 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.

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First Amendment Assemblies

467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

467.2 POLICY

The Fountain 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.

467.3 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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467.3.1 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.

467.4 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 the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall 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.

467.5 PLANNED EVENT PREPARATION
For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

467.5.1 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).

467.5.2 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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467.5.3 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 Outside Agency Assistance Policy).

467.6 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.

467.7 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 shall 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).

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.

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Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

467.8 ARRESTS

The Fountain 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 shall 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 Summons Releases Policy).

467.9 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 Media Relations Policy).

467.10 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.

467.11 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

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(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, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

467.11.1 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.

467.12 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.

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Civil Disputes

468.1 PURPOSE AND SCOPE

This policy provides members of the Fountain 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.

468.2 POLICY

The Fountain 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.

468.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

468.4 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

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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.

468.4.1 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.

468.5 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.

468.6 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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Medical Aid and Response

470.1 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.

470.2 POLICY

It is the policy of the Fountain Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

470.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, 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 the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

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

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

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

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

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

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

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470.4 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.

470.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where a mental health disorder may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

470.6 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.

470.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Deputy Chief should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

470.8 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).

470.8.1 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 Training Manager who is responsible for ensuring appropriate maintenance.

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Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact the Communications Center as soon as possible and request response by EMS (CRS § 13-21-108.1).

470.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

470.8.3 AED TRAINING AND MAINTENANCE

The Training Manager 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 Training Manager is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (CRS § 13-21-108.1).

470.9 ADMINISTRATION OF OPIATE ANTAGONIST

Only members authorized by the Department may possess or administer an opiate antagonist such as naloxone hydrochloride or any similarly acting drug for the treatment of a drug overdose. The medication shall be administered in accordance with written protocol specified by the medical professional who prescribed the overdose medication for use by the member (CRS § 12-30-110; CRS § 12-255-128).

470.9.1 OPIATE ANTAGONIST USER RESPONSIBILITIES

Members who are qualified to administer an opiate antagonist should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opiate antagonist should contact the Communications Center as soon as possible and request response by EMS (CRS § 12-30-110; CRS § 12-255-128; CRS § 12-280-123).

470.9.2 OPIATE ANTAGONIST REPORTING

Any member administering an opiate antagonist should detail its use in an appropriate report.

The Training Manager will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

470.9.3 OPIATE ANTAGONIST TRAINING

The Training Manager should ensure training is provided to members authorized to administer an opiate antagonist.

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The Training Manager should coordinate training with the prescribing medical professional (CRS § 12-30-110; CRS § 12-255-128; CRS § 12-280-123).

470.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

470.11 ADMINISTRATION OF EPHINEPHRINE

Members may administer epinephrine in accordance with protocol specified by the physician who prescribed the medication for use by the member.

470.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers epinephrine should contact the Communications Center as soon as possible and request response by EMS.

470.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

470.11.3 EPINEPHRINE TRAINING

The Training Manager should ensure that training is provided to members authorized to administer epinephrine.

470.12 FIRST AID TRAINING

Subject to available resources, the Training Manager should ensure officers receive periodic first aid training appropriate for their position.

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Body-Worn Cameras

471.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

471.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

471.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

471.3 RESPONSIBILITIES

471.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include:

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(a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.

(b) Acquiring sufficient BWCs to equip all members required to wear BWCs on-duty (CRS § 24-31-902).

(c) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.

(d) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.

1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.

(e) Managing BWC media systems so that:

1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.

2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.

(f) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.

(g) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.

(h) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.

(i) Coordinating with the community relations coordinator to (see the Community Relations Policy):

1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).

2. Gain insight into community expectations regarding BWC use.

(j) Coordinating with the Records Supervisor to (see the Records Section and Records Maintenance and Release policies):

1. Determine and apply proper retention periods to BWC media.

2. Develop procedures for the appropriate release of BWC media.

(k) Coordinating with the Property and Evidence Section to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Policy).

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471.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

471.4 BWC USE

The following guidelines apply to the use of BWCs:

(a) Only department-issued BWCs should be used without the express consent of the Chief of Police or the authorized designee.

(b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.

(c) The use of department-issued BWCs shall be strictly limited to department-related activities.

(d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.

(e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

471.4.1 PROHIBITIONS

BWCs should not be used to record:

(a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).

(b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.

(c) Conversations of other members without their knowledge.

(d) When a member is taking an authorized break or otherwise engaged in personal activities.

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(e) In a courtroom unless responding to a call for service or emergency situation.

(f) Interactions with undercover officers or confidential informants.

(g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

471.5 ACTIVATION OF BWC

Members shall activate their BWC during all calls for service and the performance of law enforcement-related functions (CRS § 24-31-902). Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

471.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

471.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC (CRS § 24-31-902):

(a) To avoid recording personal information that is not related to the case.

(b) When there is a long break in the incident.

(c) In administrative, tactical, and management discussions when civilians are not present.

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Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

471.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and [dispatcher]s approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

(a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.

(b) To assist with situational awareness or tactical decisions during a significant incident.

(c) When requested by the member.

471.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

(a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.

(b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.

(c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.

(d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

(e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

471.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile

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event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

471.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

(a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.

(b) When a member has sustained a serious injury or a line-of-duty death has occurred.

(c) When a firearm discharge or use of force incident has occurred.

(d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

471.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

471.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

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BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

(a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.

(b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.

(c) Investigators may review BWC media pertaining to their assigned cases.

(d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.

(e) Supervisors are permitted to access and view BWC media of their subordinates.

1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.

2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.

(f) The Training Manager is permitted to access and view BWC media for training purposes.

1. The Training Manager should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.

2. The Training Manager may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Manager should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

(g) The Records Supervisor may access BWC media when necessary to conduct department-related duties.

(h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

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471.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

(a) A private residence.

(b) A facility that offers health care, mental health or substance abuse treatment, or social services.

(c) A school building.

(d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy and the Enhance Law Enforcement Integrity Act (CRS § 24-31-902). The Records Supervisor should review BWC media before public release.

471.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

471.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Policy).

471.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

(a) Proper use of the BWC device and accessories.

(b) When BWC activation is required, permitted, and prohibited.

(c) How to respond to an individual's request to stop recording.

(d) Proper use of the BWC media systems, including uploading and tagging procedures.

(e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Fountain Police Department. Information provided by the Colorado State Patrol (CSP) is a valuable resource for traffic accidents and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions (CRS § 42-4-101 and CRS § 42-4-104):

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500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings should be considered in minor traffic infractions and substituted for arrests or citations when circumstances warrant. Circumstances that do not result in a citation or arrest require providing a business card in compliance with the law, as outlined in the Bias-Based Policing Policy.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the place specified in the summons, complaint or penalty assessment notice is a county court within the county in which the offense is alleged to have been committed (CRS § 42-4-1707(5)).

500.3.4 REFUSAL TO SIGN TRAFFIC CITATION

A person who refuses to sign a traffic citation, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (CRS § 42-4-1705(1)(e)). However, if a person's identity can be reasonably determined, a summons should be issued rather than making an arrest. Should a person's identity be undetermined, a supervisor should be requested to assist with resolution of the incident prior to resorting to an arrest.

500.3.5 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (CRS § 42-4-1705(1)):

(a) Negligent homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit-and-run resulting in serious injury or death.

(d) Hit-and-run resulting in damage to any vehicle or property.

(e) Reasonable cause to believe the violator may leave the state.

500.4 SUSPENDED OR REVOKED DRIVER'S LICENSE

If an officer contacts a traffic violator for driving on a suspended, revoked or restricted license and the violation is not an unclassified misdemeanor, the officer may, without a warrant, arrest the violator for a misdemeanor (CRS § 42-2-138).

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500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Accident Response and Reporting

502.1 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 Fountain 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.

502.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic accident. A traffic accident with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

502.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at 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

502.3 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

502.4 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

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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, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

502.5 TRAFFIC ACCIDENT REPORTING

502.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize forms approved by the Department of Revenue, Motor Vehicle Division (CRS § 42-4-1608) for the reporting of traffic accidents. All traffic accident reports taken by members of this department shall be forwarded to the Patrol Lieutenant for approval and data entry into the records management system.

502.5.2 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant will be responsible for:

(a) Monthly and quarterly reports on traffic accident statistics, to be forwarded to the Patrol Deputy Chief 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 and ensuring conformity with this policy.

502.5.3 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.

502.6 REPORTING SITUATIONS

502.6.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES

Traffic accident investigation reports shall be taken when a City-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the accident occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Deputy Chief.

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Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Fountain Police Department and it results in a serious injury or fatality, the Patrol Lieutenant or the Patrol Lieutenant should request the Colorado State Patrol (CSP) or other outside agency to complete an investigation and report.

502.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Sergeant or Patrol Lieutenant 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.

502.6.4 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

502.7 NOTIFICATION OF PATROL LIEUTENANT

In the event of a serious injury or death-related traffic accident, the Patrol Sergeant shall notify the Lieutenant to relate the circumstances of the traffic accident and seek assistance from the Accident Reconstruction Team. In the absence of a Accident Reconstruction Team, the Patrol Sergeant or any supervisor may assign any officer to investigate the traffic accident.

502.8 NOTIFICATION OF NEXT OF KIN

If a traffic accident causes a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim’s next of kin or coordinate such notification with the Coroner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim’s next of kin.

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Vehicle Towing and Release Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Fountain Police Department and under the authority of CRS § 42-4-1803.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 COMPLETION OF VEHICLE IMPOUND/STORAGE FORM

Department members requesting towing of a vehicle shall complete a vehicle impound/storage form that includes written authorization pursuant to CRS § 42-4-1803(1)(b) for the tow truck operator to possess the vehicle 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 Section as soon as practicable after the vehicle is stored.

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

510.2.2 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC ACCIDENT

When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Communications Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a vehicle impound/storage form.

510.2.3 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.

510.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

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510.2.5 RECORDS SECTION RESPONSIBILITY

Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Records Section 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 Section personnel shall report the towing and related information to the Department of Revenue, Motor Vehicle Division as required by CRS § 42-4-1804(1)(b).

Records Section personnel shall make a good faith attempt to notify the owner or lien holder of abandoned vehicles within 10 working days after receipt of a vehicle impound/storage form pursuant to (CRS § 42-4-1804(4)(a); CRS § 42-4-1804(4)(b)). The notice shall inform the owner that he/she can request a hearing concerning the legality of the towing of the abandoned motor vehicle (CRS § 42-4-1804(4)(c)).

The Records Section should use the notice forms available from the Department of Revenue, Motor Vehicle Division when sending required notices to the owners or lien holders of stolen or abandoned vehicles (CRS § 42-4-1804(5)).

510.3 TOWING SERVICES

The City of Fountain 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 shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

510.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall 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.

510.6 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.

510.7 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.

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Vehicle Towing and Release Policy

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle impound or storage hearings (CRS § 42-4-1804(4)(d)) & (Fountain Municipal Code 10.12.040 Post-tow Administrative Hearing).

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Department a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent to determine if probable cause existed for the removal and placement of the vehicle.

The hearing shall be conducted within 72 hours of the request, excluding weekends and holidays. The hearing officer must not be the person who directed the storage or impound of the vehicle.

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded or stored vehicle shall be submitted in writing within 10 days of the date appearing on the notice (CRS § 42-4-1804(4)(d)). The Municipal Court Judge will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision, and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.

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(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Department's expense.

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the Police Administrator. The hearing officer will recommend to the Police Administrator that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Department.

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Fountain Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Colorado's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Colorado or another jurisdiction.

514.4 FIELD TESTS

The Patrol Lieutenant should identify the standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person implies consent under Colorado law to a chemical test or tests, and to providing the associated chemical sample, when an officer has probable cause to believe that the person was driving a motor vehicle in violation of CRS § 42-4-1301 (DUI, DUI per se, DWAI, or UDD) (CRS § 42-4-1301.1).

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If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence). Generally, a person may request either a test of his/her blood or breath for determining alcohol content (CRS § 42-4-1301.1). However, if a person under the age of 21 is suspected of underage drinking and driving (UDD), the person may only submit to a breath test.

If a person is suspected of aggravated vehicular unlawful termination of a pregnancy, the type of test or tests shall be determined by the officer (CRS § 18-3.5-108).

For purposes of determining drug content within a person's system, officers may select the most appropriate and viable test of the of the person's blood, saliva and urine. The arrestee is required to take and complete the selected test or tests (CRS § 42-4-1301.1; CRS § 18-3.5-108).

514.5.2 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (CRS § 42-4-1301.1). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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514.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

514.5.5 STATUTORY NOTIFICATIONS

Officers requesting a sample from a person suspected of DUI should inform the person that failure to submit to testing may result in the revocation of his/her license.

514.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (CRS § 42-4-1301.1).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

514.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of revocation upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person and issue the person a seven day temporary permit unless the person already possesses one (CRS § 42-2-126).

514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

(c) Exigent circumstances exist and the officer has probable cause to believe the person committed any of the following offenses (CRS § 42-4-1301.1):

1. Criminally negligent homicide
2. Vehicular homicide
3. Assault in the third degree

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4. Vehicular assault

514.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted. Officers may physically restrain a person for the purpose of obtaining a sample only in cases of criminally negligent homicide, vehicular homicide, assault in the third degree, vehicular assault or aggravated vehicular unlawful termination of pregnancy (CRS § 42-4-1301.1; CRS § 18-3.5-108).

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

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514.7.1 PRELIMINARY TESTING

An officer may request that a person provide a breath sample for a preliminary screening test when the officer (CRS § 42-4-1301):

(a) Has reason to believe the person was driving a motor vehicle while under the influence or impaired by alcohol and,

(b) Has advised the person that he/she may refuse or agree to provide the preliminary breath sample.

If the person is under the age of 21, the officer may conduct a preliminary screening test, without the person's consent, if there is a reasonable belief the person has consumed alcohol (CRS § 42-4-1301).

An officer may use the results of the preliminary test in determining whether probable cause exists to believe the person was DUI and whether to administer additional testing (CRS § 42-4-1301).

514.7.2 COLLECTING SAMPLES

Arrestee samples shall be collected and processed in accordance with standards set by the Department of Public Health and Environment (5 CCR 1005-2:1 et seq.).

514.7.3 TIME TO COLLECT SAMPLE

If an officer requests that a person submit to a blood or breath test to determine the alcohol content of the person's blood or breath, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1).

If an officer requests that a person submit to a blood, saliva or urine test to determine the drug content within the person's system, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1).

514.7.4 NOTICE TO COMMERCIAL MOTOR VEHICLE DRIVER

Officers investigating a driver of a commercial motor vehicle license for DUI shall advise the person that a refusal to submit to a chemical test shall result in an out-of-service order for a period of 24 hours and a revocation of the privilege to operate a commercial motor vehicle for one year (CRS § 42-4-1301.1).

514.7.5 OFFICER RESPONSIBILITIES

An officer believing that a person should be subject to license revocation as a result of DUI shall forward the following to the Division of Motor Vehicles (DMV) on the forms prescribed by the DMV (CRS § 42-2-126):

(a) A copy of the completed notice of revocation form

(b) A copy of any completed temporary permit

(c) The person's driver's license

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(d) An affidavit, signed, dated and sworn to by the officer containing information relevant to the legal issues and facts to be considered by the DMV for revoking the person's license

514.7.6 EXTRAORDINARY CIRCUMSTANCES

If an officer requests a person to submit to a chemical test and subsequently determines that there are extraordinary circumstances that prevent the completion of the test elected by the person within the two-hour time period, the officer shall inform the person of such circumstances and request and direct the person to take and complete the other test. The person shall then be required to take and complete, and to cooperate in the completing of, the other test. Extraordinary circumstances include but are not limited to weather related delays, high call volume affecting medical personnel, malfunctioning breath test equipment and other circumstances that preclude the timely collection of a sample (CRS § 42-4-1301.1).

514.7.7 UNCONSCIOUS OR DECEASED PERSONS

If an officer believes a person to be DUI and the person cannot submit to a chemical test because the person is unconscious, hospitalized, or undergoing medical treatment, the officer may (CRS § 18-3.5-108; CRS § 42-4-1301.1):

(a) Have access to and analyze any blood, urine, or saliva that was obtained and not utilized by the health care provider.

(b) Have access to medical tests administered by the health care provider that show test results of the alcohol or drug content in the person's system. The provisions of CRS § 13-90-107 relating to physician privileged communications do not apply to such test results.

In addition, the blood or urine sample of any deceased driver or pedestrian at least 15 years of age shall be tested for alcohol, drug, and carbon monoxide concentration following the procedures established by the Department of Public Health and Environment (CRS § 42-4-1301.1; CRS § 42-4-1304).

514.7.8 MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD

A person who possesses a valid medical marijuana registry identification card (RIC) shall not be required to submit to a blood test solely based on the possession of the RIC (CRS § 42-4-1301).

514.8 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Division of Motor Vehicles (DMV).

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

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An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.10 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

516.2 RESPONSIBILITIES

Employees of this department shall use the approved traffic citation for all traffic offense citations.

The Police Administrator shall be responsible for the development and design of all Department traffic citations in compliance with state law (CRS § 42-4-1707).

The Records Section is responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by the Records Section staff. Officers will sign for the citations when issued.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Deputy Chief. Upon a review of the circumstances involving the issuance of the traffic citation, the Deputy Chief may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Deputy Chief for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Section.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation to his/her immediate supervisor. The citation shall then be forwarded to the court. The court will either amend, dismiss, or return the citation to be re-service.

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516.6 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 Section.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Section.

516.7 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.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles vary from the procedure for adults (CRS § 42-4-1707(1)(b)). Colorado Department of Revenue Form #DR2334 (Advisement Regarding a Penalty Assessment/Summons and Complaint) shall be issued along with the citation.

See attachment: DR 2334.jpg

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

The Fountain Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

520.2 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.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or to remove vehicles that are obstructing traffic pursuant to CRS § 42-4-1803(2) is not considered a mechanical repair.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by 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.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Abandoned Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws under the authority of CRS § 42-4-1803, et seq.

524.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned motor vehicle - A motor vehicle is abandoned if:

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

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

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

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

524.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Colorado laws shall be marked and noted on the Fountain Police Department marked vehicle card or documented via the computer aided dispatch (CAD) system. No case number is required at this time.

A visible chalk, crayon or paint mark should be placed on the rear window or left rear tire tread at the fender level unless the vehicle is missing tires or other vehicle conditions or the weather prevents marking. Any deviation in markings shall be noted on the marked vehicle card.

All marked vehicle cards shall be submitted to the Patrol Lieutenant for computer data entry unless documented via the CAD system.

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If a marked vehicle has been moved or the markings have been removed during a 4-hour or 24-hour investigation period, the vehicle shall be marked again for either the 4-hour or 24-hour abandonment violation and a marked vehicle card completed and forwarded to the Patrol Lieutenant or a CAD update completed.

524.2.1 MARKED VEHICLE FILE

The Patrol Lieutenant shall be responsible for maintaining a file for all marked vehicle cards.

Parking control officers assigned to the Patrol Lieutenant shall be responsible for the follow-up investigation of all abandoned violations noted on the marked vehicle cards or CAD system.

524.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle impound/storage form shall be completed by the officer authorizing the storage of the vehicle.

524.3.1 VEHICLE STORAGE REPORTING

The vehicle impound/storage form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to enter information from the vehicle impound/storage form into the Motor Vehicle Verification System and attempt to notify the owner as specified in the Vehicle Towing and Release Policy.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Fountain Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators, scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Lieutenant.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed a Class 1 or Class 2 felony or felony sexual assault offense shall be recorded (audio and video) in its entirety when the interrogation takes place at any Fountain Police Department facility (CRS § 16-3-601) unless:

(a) The individual requests that the interrogation not be recorded.
    1. The request must be made in writing or at the beginning of the recording.
(b) The recording equipment fails.
(c) Recording equipment is unavailable due to damage or other extraordinary circumstances.
(d) Exigent circumstances prevent the recording of the interrogation.
(e) The individual is interrogated outside the state of Colorado.

Any custodial interrogation of an individual who is suspected of having committed any other violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

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(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record-keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

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600.7.1 ACCESS RESTRICTIONS
Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED
Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Deputy Chief or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9 INVESTIGATIVE PROCEDURES
The Investigation Deputy Chief or the authorized designee shall be responsible for developing, maintaining and reviewing detailed investigative procedures. Such procedures shall minimally include:

(a) Case file management.

(b) Preliminary and follow-up criminal investigation checklists.

(c) Multijurisdictional investigative task force roles and responsibilities.

(d) Polygraph or other truth-telling device examinations.

(e) Cold case definition, evaluation criteria and documentation.

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(f) Undercover, surveillance/stakeouts, informant/decoy and raid operations, including use of surveillance and undercover equipment.

(g) Photographic (conventional and digital) and other digital evidence collection.

(h) Known source evidence collection for physical evidence comparison.

(i) Forensic laboratory evidence submission.

(j) Latent fingerprint preservation.

(k) Any additional accreditation-mandated procedures, including a case screening system that identifies and considers solvability factors, advising the Chief of Police of investigative activities on major or sensitive cases and an on-call schedule to ensure 24-hour availability.

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Sexual Assault Investigations

602.1 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.

602.1.1 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.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Fountain 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.

602.3 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.

(f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

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602.4 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.

602.5 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 Investigation Unit 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.

602.6 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.
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. SART or multidisciplinary response team.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
6. Techniques for communicating with victims to minimize trauma.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART or the multidisciplinary response team should be included in the initial victim interviews.

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

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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.

No opinion of whether the case is unfounded shall be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.7.1 TRUTH VERIFICATION EXAMINATIONS

Members of the Fountain Police Department shall not ask or require a victim of a sex crime to submit to a truth verification examination as a condition for proceeding with a criminal investigation (34 USC § 10451; CRS § 18-3-407.5).

A truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed orally with information about the potential use of the result of the examination (CRS § 18-3-407.5).

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. Forensic medical evidence shall be collected if the victim requests the collection (CRS § 24-33.5-113; 8 CCR 1507-29).

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

No Fountain Police Department member shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination (CRS § 18-3-407.5).

602.8.1 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)

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(b) Submit evidence to the Colorado Bureau of Investigation or an accredited crime laboratory within 21 days, unless the victim withdraws consent

Forensic evidence associated with an anonymous report made pursuant to CRS § 12-240-139 shall not be submitted to a laboratory for testing (CRS § 18-3-407.5).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Section Policy.

602.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

602.9 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 Investigation Unit supervisor.

Classification of a sexual assault as unfounded requires the Investigation Unit 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.

602.10 CASE REVIEW

The Investigation Unit 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.

The SART or multidisciplinary response team and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Fountain Police Department seizes property for forfeiture or when the Fountain Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Property may generally be subject to forfeiture under the Public Nuisance Abatement Act and the Contraband Forfeiture Act when (CRS § 16-13-303; CRS § 16-13-307; CRS § 16-13-504):

(a) There has been a conviction or a negotiated plea of a specified offense (see statutes), or the owner fled from an arrest warrant charging one of those offenses.

(b) Possession of the property was unlawful or the owner of the property was a party to the offense that led to the property's use or purchase.

(c) The property was instrumental in the commission or facilitation of a specified crime, or the property constitutes traceable proceeds of the crime or related criminal activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Fountain Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Fountain Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

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606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer.

(a) Real property pursuant to a court order (CRS § 16-13-302).

(b) Non-real property when there is probable cause to believe that it will qualify as property subject to forfeiture and the seizure is incident to a lawful search (CRS § 16-13-315; CRS § 16-13-504).

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the district attorney's current minimum forfeiture thresholds should not be seized.

(b) The owner of the property is an "innocent owner" and did not have knowledge of the illegal conduct prompting the seizure (CRS § 16-13-303; CRS § 16-13-504).

(c) Rental vehicles, unless the seizing agency has probable cause to believe the motor vehicle rental company, at the time of rental, had knowledge or notice of the criminal activity for which the rental car was used (CRS § 16-13-315; CRS § 16-13-504).

606.3.3 SEIZED BOATS AND MOTOR VEHICLES

Vehicles, watercraft or aircraft seized subject to forfeiture will be taken to a designated storage facility appropriate for the storage of the item in a manner consistent with the Vehicle Towing and Release Policy. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the circumstances as soon as possible.

If the vehicle cannot be operated, a tow truck or trailer will be used to tow the boat or motor vehicle to the storage facility.

Personal property located in a seized boat or motor vehicle shall be removed and booked into property as either evidence or for safekeeping.

If a rented motor vehicle is seized, the Department shall notify the motor vehicle rental company of the seizure. A rented motor vehicle shall be returned to the rental company unless the vehicle must remain in custody for evidentiary purposes or if there is probable cause to believe the rental company had knowledge or notice of the criminal activity (CRS § 16-13-315(3) and CRS § 16-13-504(1.5)).

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606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

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606.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly CRS § 16-13-501 et seq. and CRS § 16-13-301 et seq., in addition to the forfeiture policies of the district attorney.

(b) Serving as the liaison between the Department and the district attorney and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

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(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return (CRS § 16-13-501.5; CRS § 16-13-302).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Selling or destroying forfeited property as ordered by a court (CRS § 16-13-506; CRS § 16-13-507; CRS § 16-13-311).

(k) Depositing forfeited money in the court registry where the forfeiture order was entered, and overseeing the sale to ensure that the proceeds are distributed as set forth in CRS § 16-13-311.

(l) Applying to the court for expenses reimbursement consistent with CRS § 16-13-311, when applicable, and sending copies of the documents to the district attorney.

(m) Unless directed by an authorized agent of the federal government, ensuring that no seized property is transferred to a federal agency for forfeiture under federal law unless an owner of the property is being prosecuted in federal court (CRS § 16-13-505; CRS § 16-13-307).

(n) Placing currency seized in an interest-bearing account during forfeiture proceedings after ensuring that portions of the bills have been photocopied for evidence at hearings (CRS § 16-13-510; CRS § 16-13-303).

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(o) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property (CRS § 16-13-501.5; CRS § 16-13-302).

(p) Upon completion of any forfeiture process, ensuring that no property is retained by the Fountain Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(q) Reporting seizure information within the required time periods (even if no forfeiture proceeds were received) to the Colorado Department of Local Affairs (DOLA) as set forth in CRS § 16-13-701.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

606.7 DISPOSITION OF FORFEITED PROPERTY

No forfeited property shall be used and no forfeited proceeds shall be expended until the committee on the disposition of forfeited property approves (CRS § 16-13-702). Members are prohibited from purchasing forfeited property (CRS § 16-13-501.5; CRS § 16-13-302).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

606.8 FORFEITURE PAYMENTS FROM FEDERAL AGENCIES

Payments or distributions from a federal agency as a result of a forfeiture action may only be received by this department when the aggregate net equity value of the property and/or currency seized is in excess of $50,000, and a forfeiture proceeding has been commenced by the federal government related to a filed criminal case (CRS § 16-13-306.5; CRS § 16-13-504.5).

606.9 GRANTS FROM THE DIVISION OF CRIMINAL JUSTICE

The forfeiture reviewer is responsible for ensuring funds received through a grant from the Colorado Division of Criminal Justice (DCJ) are used in a manner that complies with the policies and procedures established by DCJ, and that any necessary reporting is completed and submitted to DCJ in the required time frame (CRS § 24-33.5-522).

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Federal Equitable Sharing Programs

607.1 PURPOSE AND SCOPE

To establish guidelines for receiving, spending, and monitoring funds and assets received through federal equitable sharing programs.

607.2 CROSS REFERENCE

- Guide to Equitable Sharing for State and Local Law Enforcement Agencies (Department of Justice) http://www.justice.gov/usao/ri/projects/esguidelines.pdf
- Department of Treasury Equitable Sharing Program http://www.justice.gov/criminal-afmls/equitable-sharing-program

607.3 EQUITABLE SHARING ROLES AND RESPONSIBILITIES

(a) Agency Head: The Fountain Police Department Chief of Police approves all expenditures to ensure permissibility; and, authorizes submission of the Equitable Sharing Annual Certification form.

(b) Agency Finance Point of Contact: The Police Administrator reviews all expenditures to ensure Program funds are processed and accounted for under all applicable financial and procurement policies.

(c) Jurisdiction Finance Point of Contact: The City of Fountain Finance Director oversees the Fountain Police Department's appropriated funds and ensures asset sharing funds are not commingled with any other funds.

(d) Governing Body Head: The City of Fountain City Manager has budgetary oversight and authorizes the submission of the Equitable Sharing Annual Certification.

(e) Single Audit Point of Contact: The City of Fountain Finance Director will ensure federal equitable sharing program expenditures are properly stated on the City of Fountain' Single Audit

607.4 EQUITABLE SHARING DISTRIBUTION OF REVENUES

(a) The City's bank account that holds federal asset sharing funds is compliant in the eShare system allowing distributions to be wired directly from the U.S. Marshal's Office to the City's bank account.

(b) The City's bank account will be a federally insured, interest-bearing account; however, it will not be an investment account that has market risk, including a money market or uninsured account.

(c) The City's Finance Department/ Jurisdiction Finance Point of Contact will establish a separate project within the City's accounting system to process and track all revenues and expenditures associated with deferral asset sharing activity. At no time will federal asset sharing funds be commingled with any other funds.

(d) All interest income earned on equitably shared funds will be deposited in the same accounting code established within the City's accounting system, within the separate project created solely for the shared funds.

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(e) All equitable sharing funds must be maintained by the Agency Point of Contact that manages the agency's appropriated funds. Any individual other than the jurisdiction's financial director is prohibited from maintaining a checkbook or other financial instruments related to equitable sharing.

607.5 EQUITABLE SHARING DISTRIBUTION OF FORFEITED REAL PROPERTY

(a) The Fountain Police Department must present a compelling need when requesting permission to keep real property in lieu of the proceeds from its sale.

(b) The Fountain Police Department will sign a memorandum of understanding committing to the specific use of such property.

(c) The Fountain Police Department will pay all federal costs/expenses related to the transfer of property.

607.6 EQUITABLE SHARING DISTRIBUTION OF FORFEITED TANGIBLE PERSONAL PROPERTY

(a) All tangible property received by the Fountain Police Department will be used for law enforcement purposes only.

(b) All tangible property received by the Fountain Police Department is subject to the rules applicable to similar property purchased by the Fountain Police Department using appropriated funds.

(c) All tangible property received by the Fountain Police Department will be tracked in the same manner as property purchased using equitable sharing funds.

(d) All tangible property placed into official use for law enforcement purposes will be used for at least two years following the transfer. After two years, the property may be sold for the benefit of the law enforcement agency. All Proceeds from the sale of such property must be deposited into the agency's equitable sharing account. Asset Forfeiture and Money Laundering Section (AFMLS) permission must be obtained to sell property prior to the expiration of the two year utilization period.

607.7 EQUITABLE SHARING EXPENDITURES

(a) Only the chief of police can authorize the use of equitable sharing funds received by the City of Fountain. No expenditure will be posted to an asset sharing project prior to receiving the chief of police approval.

(b) All City of Fountain procurement, travel, and payroll policies must be followed when using Program funds to pay for expenditures.

(c) Only expenditures permitted by equitable sharing program guides are allowable. If unsure about the permissibility of a proposed expenditure, the Agency Point of Contact will contact the Depart of Justice or Department of Treasury for guidance prior to committing funding for the expenditure.

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607.8 TANGIBLE PROPERTY TRACKING

(a) All tangible property acquired as a result of the equitable sharing program will be tracked in a SharePoint system maintained by Metro VNI staff. The following information will be tracked:

1. Expenditure Date
2. Vendor/Brand/Type/Model
3. VIN or Serial Number
4. Metro VNI Asset Tag Number
5. Item Location
6. Name and Title of Employee to whom equipment is assigned.

607.9 TRANSFER OF EQUITABLE SHARING FUNDS OR PROPERTY TO OTHER LAW ENFORCEMENT AGENCIES

(a) Transfers are allowed when the recipient law enforcement agency

i. Properly submits an annual Equitable Sharing Agreement and Certification form.

ii. Performs an audit as required by the Single Audit Act

iii. 'Uses funds in accordance with permissible use provisions of the equitable sharing guides.

iv. Requires its Agency Head to approve all equitable sharing expenditures

v. Ensures the agency follows established procurement, travel, and payroll policies.

vi. Properly tracks tangible property received as a result of the equitable sharing program.

(b) The Fountain Police Department is responsible for ensuring the above criteria are met prior to transferring equitable sharing funds to any other law enforcement agency.

(c) The Fountain Police Department will reflect these transfers on it's Equitable Sharing Agreement and Certification Form.

(d) Only cash will be transferred to the other law enforcement agency

(e) Should the Fountain Police Department end its participation in a federal equitable sharing program, it is prohibited from transferring any unspent funds to another agency.

607.10 RECORDS RETENTION

(a) The Fountain Police Department will retain all documents and records for at least five years, pertaining to their participation in the Department of Justice Equitable Sharing Program and their receipt and expenditure or use of shared cash, proceeds, real property, or tangible property.

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607.11 SINGLE AUDIT

(a) Program expenditures for a respective fiscal year will be included in the annual Schedule of Expenditures of Federal Awards as part of the jurisdiction's financial statements and single audit reported under Catalog of Federal Domestic Assistance.

607.12 EQUITABLE SHARING AGREEMENT AND CERTIFICATION FORM

(a) Prior to February 28 following the end of each fiscal year, the Fountain Police Department will submit to AFMLS a signed Equitable Sharing Agreement and Certification form.

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Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Fountain Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Fountain Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Metro VNI. The Metro VNI supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Deputy Chief, Metro VNI supervisor or their authorized designees.

The Investigation Deputy Chief should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Metro VNI supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

608.2.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

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(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

608.3 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Deputy Chief, Metro VNI supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Fountain Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.

2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Metro VNI supervisor.

3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Metro VNI supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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608.3.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.4 USE OF INFORMANTS

608.4.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.4.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

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(b) The juvenile's attorney, if any

(c) The court in which the juvenile's case is being handled, if applicable

(d) The Chief of Police or the authorized designee

608.4.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.5 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Metro VNI supervisor will discuss the above factors with the Patrol Deputy Chief and recommend the type and level of payment subject to approval by the Chief of Police.

608.5.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Metro VNI buy/expense fund.

1. The Metro VNI supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

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(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
    (a) Date
    (b) Payment amount
    (c) Fountain Police Department case number
    (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

608.5.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

608.5.3 AUDIT OF PAYMENTS

The Metro VNI supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

608.6 POLICY

The Fountain Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (CRS § 16-1-109).

610.1.1 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.

610.2 POLICY

The Fountain 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.

610.3 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.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Unit 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).

610.5 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.

610.5.1 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 employee 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 employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the 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.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a 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.

610.6 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.

610.7 PUBLIC ACCESS TO POLICY

This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

610.8 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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610.9 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.

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Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

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

612.2 POLICY

The Fountain 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 Fountain 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.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant, 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.

612.4 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 shall examine the personnel file and/or internal affairs file of the

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officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall 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 shall 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 Custodian of Records shall 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 Custodian of Records 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.

612.4.1 DISCLOSURE OF MISREPRESENTATIONS

The Chief of Police or the authorized designee shall 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.

612.5 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

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information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

612.7 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Deputy Chief 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.

612.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall 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 shall alert the coordinator if a person on the list is subpoenaed.

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Unmanned Aerial System

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

613.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

613.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

613.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Warrant Service

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

614.2 POLICY

It is the policy of the Fountain Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

614.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

614.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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614.5.1 SERVICE OF ARREST WARRANTS

Arrest warrants may be executed only by sworn law enforcement officers. Any arrest made on a warrant must be verified by documentation that some agency has that warrant in its possession and that to the best of that agency's knowledge the warrant is still in effect or that the warrant is active in the warrant management system. No member shall make an arrest on a warrant unless he/she confirms the present status of the warrant immediately before making the arrest.

614.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

614.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

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(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

614.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

614.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

614.9.1 RECORDS

Information regarding each item of civil or criminal legal process shall be recorded including, but not limited to:

- The date and time the document was received.

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- The type, nature and source of the document.
- The name of the plaintiff, complainant, defendant or respondent.
- The name of the officer assigned to the service and the date assigned.
- The court docket number, if applicable.
- The service due date.

Information regarding the service of documents shall include, but is not limited to:

- The date and time the service was attempted or executed.
- The name of the officer attempting or executing the service.
- The name of the person who was the subject of the service.
- The method of service or the reason for non-service.
- The address of the service attempt or execution.

Warrant service records shall be retained in accordance with the established records retention schedule.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Fountain Police Department are utilized appropriately. Any concerns regarding the requested use of Fountain Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Patrol Lieutenant should assume this role.

If officers intend to serve a warrant outside Fountain Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

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Officers will remain subject to the policies of the Fountain Police Department when assisting outside agencies or serving a warrant outside Fountain Police Department jurisdiction.

614.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

614.12 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

615.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

615.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

615.2 POLICY

It is the policy of the Fountain Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

615.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

615.4 RISK ASSESSMENT

615.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental health disorder, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

615.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisors and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

615.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Emergency Serives Unit (ESU)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance

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8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

615.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

615.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental health disorder issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing and approving reports.

615.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

615.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

615.8 ESU PARTICIPATION

If the operations director determines that ESU participation is appropriate, the director and the ESU supervisor shall work together to develop a written plan. The ESU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the ESU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

615.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

615.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any ESU debriefing.

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615.11 TRAINING

The Training Manager should ensure officers and ESU team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

615.12 SPECIAL EVENTS AND DIGNITARY PROTECTION

For special events, including dignitary visits, that require department involvement, the operations director should also consider whether to apply some or all of this policy to the event and address the following:

(a) The size of any crowds anticipated to gather and the likelihood that crowd control could pose a problem

(b) The possibility of crime in the area

(c) Protection of VIPs

(d) Coordination with VIP teams

(e) Coordination of VIP management with other jurisdictions

(f) Whether the Department has the capacity to handle the event and, if not, ensure that assistance from the appropriate outside agencies is coordinated

(g) Personnel allocation

(h) Possible use of private security

(i) Traffic management plans

(j) Arrest protocol, including management of mass arrests

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report, through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Deputy Chief that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. A review by the staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

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(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Deputy Chief. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 DEFINITIONS

Definitions related to this policy include:

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

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Deputy Chief that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the finance department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

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(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Fountain, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Deputy Chief.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued 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.

702.2 POLICY

The Fountain Police Department allows employees to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files, without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the

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affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

702.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee 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.

702.5 PERSONALLY OWNED PCD

Employees 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 shall be purchased, used and maintained solely at the employee's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

    1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers for the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to

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the Fountain Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) 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.

(f) Employees will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

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702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (CRS § 42-4-239). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Employees 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 is not inadvertently transmitted. As soon as reasonably possible, employees shall 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

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs of repair.

704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift. The patrol vehicle should be equipped with the following recommended equipment:

- 20 emergency road flares
- 2 sticks yellow crayon or chalk
- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket

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- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Rain gear
- 1 Spare tire, jack, and lug wrench
- Set of tire chains (seasonal)

704.3.2 UNMARKED VEHICLES

An employee driving an unmarked Department vehicle should be equipped with the following recommended equipment:

- 20 emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Rain gear
- 1 Spare tire, jack, and lug wrench
- Set of tire chains (seasonal)

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704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers on patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall also prominently display the "out of service" placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department-owned vehicles are used appropriately. City CityThis policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Fountain to provide assigned take-home vehicles.

706.2 POLICY

The Fountain 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.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Patrol Lieutenant shall 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 shall be documented on the roster.

706.3.2 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) shall first notify the Patrol Lieutenant. 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 the maintenance yard or car wash.

706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should 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 shall 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 shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 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, canine safety, 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 shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Communications Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

706.3.6 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 shall not make any unauthorized modifications to the system. At the start of each shift, members shall 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 available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Deputy Chief approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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706.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall 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.

706.3.9 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.

706.3.10 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 shall 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. Privately owned motorcycles shall be parked in designated areas.

706.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.12 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 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.

706.4.1 ON-DUTY USE
Vehicle assignments shall 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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706.4.2 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 shall 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 60-minute drive time) of the Fountain 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.

706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall 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 Fountain is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Fountain may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

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 shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Deputy Chief 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 Deputy Chiefs 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.

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3. When the member has received permission from the Chief of Police or Deputy Chiefs.
4. When the vehicle is being used by the Chief of Police, Deputy Chiefs or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(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, canine safety, equipment charging).
2. All weapons shall 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 shall 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 shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Fountain Police Department or while off-duty, an officer shall 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 shall 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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706.4.5 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 shall 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 shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall 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 complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 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. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to thedivision to which the vehicle is assigned shall also be recorded with the Patrol Lieutenant on the shift assignment roster.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall 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 shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Lieutenant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.7 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.

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706.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department-owned vehicle on a toll road shall adhere to the following:

(a) Members operating a department-owned vehicle for any reason other than in response to an emergency shall 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 shall notify, in writing, the appropriate Deputy Chief within five working days explaining the circumstances.

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Cash Handling, Security and Management

710.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

710.2 POLICY

It is the policy of the Fountain Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

710.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

710.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

710.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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710.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Metro VNI supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

710.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence and Informants policies.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

711.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

711.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory personal protection equipment does not include particulate-filtering masks such as N95 or N100 masks.

711.2 POLICY

The Fountain Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

711.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

711.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

711.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

711.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

711.7 RESPIRATORY PROTECTION

The Administration Deputy Chief is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), and state PPE standards and guidelines.

(i) Ensuring that self-contained breathing apparatus (SCBA) equipment is regularly tested and certified in accordance with all applicable federal standards (CRS § 29-5-114).

711.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander should

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

711.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

711.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

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(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

711.7.4 SELF-CONTAINED BREATHING APPARATUS
Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

711.7.5 RESPIRATOR FIT TESTING
No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

After initial testing, fit testing for respiratory PPE should be repeated (29 CFR 1910.134):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

711.7.6 RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE
No member should be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

711.8 RECORDS
The Training Manager is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records should be maintained in accordance with the department records retention schedule and 29 CFR 1910.1020.

711.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132).

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

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Chapter 8 - Support Services

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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 (CRS § 13-14.5-108).

800.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property necessitating custody by the Department. The property and evidence technician reports to the Investigation Division supervisor and is responsible for the security of the Property and Evidence Section. Property and Evidence Section keys are maintained only by the property and evidence technician and the Investigation Division supervisor. An additional key is in a sealed and initialed envelope maintained in the safe in the Chief of Police's office. The property and evidence technician and the Investigation Division supervisor shall not loan Property and Evidence Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Section other than the property and evidence technician must be accompanied by the property and evidence technician or the Investigation Division supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

800.1.2 PROPERTY AND EVIDENCE SECTION MANAGEMENT RESPONSIBILITIES

The Investigation Deputy Chief is responsible for the management of the Property and Evidence Section. The Investigation Deputy Chief should designate a specific property and evidence technician to assist with documenting, classifying, storing, tracking and disposing of property received by or managed by the Property and Evidence Section.

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

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800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property prims entry. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property prims entry describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The officer shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.

(d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.

(f) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.

(g) 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 shall be secured to prevent entry and a completed property prims entry placed into a numbered property locker indicating the location of the property.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by two copies of the form for the Records Section and investigators. The original will be detached and submitted with the case report.

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800.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Patrol Lieutenant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to an appropriate agency that is equipped to safely dispose of such materials, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain DNA, should be properly labeled as such.

(b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(c) License plates found not to be stolen or connected with a known crime should be released directly to the property and evidence technician or placed in the designated container for return to the Colorado Department of Revenue, Division of Motor Vehicles. No formal property booking process is required.

(d) 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 property and evidence technician or placed in the bicycle storage area until a property and evidence technician can log the property.

(e) All items of significant value (e.g., cash, jewelry) shall be counted or inventoried in the presence of another officer, photographed and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.

(f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property prims entry.

(g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

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City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.3.5 ADDITIONAL DOCUMENTATION
Members must document the circumstances detailing how the property came into their possession. Documentation should be in accordance with the Report Preparation Policy and should include photographs of the property, if appropriate.

800.3.6 EXCEPTIONAL HANDLING OF TRIAL EVIDENCE
The property and evidence technician shall allow defense attorneys and their authorized associates to view and inspect evidence held in connection with certain criminal cases as soon as practicable after a request, but no later than 35 days before trial (CRS § 16-9-801).

The property and evidence technician shall be present at any evidence viewing or handling by representatives of the prosecution or defense to document the chain of custody and maintain the integrity of the evidence. If the documentation includes recording the session, the property and evidence technician or the authorized designee shall notify the prosecuting authority of the recording's existence (CRS § 16-9-801). No member may activate a body-worn camera or Mobile Audio/Video (MAV) system to capture, view, or record the session (CRS § 24-31-902).

800.4 PACKAGING OF PROPERTY
Packaging will conform to certain procedures. Certain items require special consideration and shall 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 shall 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 shall be securely attached to the outside of all items or group of items packaged together.

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800.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged,labeled and placed in a locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size and. the booking officer shall initial the sealed envelope. Controlled substances shall not be packaged with other property.

The booking officer shall 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 prims entryEonQ entry.

A completed property label shall be attached to the outside of the container.

800.4.3 RIGHT OF REFUSAL

The property and evidence technician has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property and evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

800.5 RECORDING OF PROPERTY

The person seizing or recovering property and evidence shall create a property control entry into the evidence system (EonQ) for each piece of property or evidence received. This entry will be the permanent record of the property in the Property and Evidence Section. The property and evidence technician will utilize (EonQ) to properly track the movement, custody, location, status and disposition of the property/evidence.

A computerized (EonQ) record shall be maintained and a unique property number created for each piece of property received. The computerized records shall record, by barcode number, the date received, case number, item description, item location and date disposed. A unique barcode number shall be obtained for each item or group of items from the computer system. This number shall be recorded on the property label and the property control entry.

Any changes in the location of property held by the Fountain Police Department shall be noted in the property management system (EonQ) (and/or paper files as necessary).

800.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information in to the evidence system (EonQ). Officers desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

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800.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in to the evidence system (EonQ) shall 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 shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out anytime after booking of the property or evidence.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the property management system (EonQ).

The property and evidence technician releasing the evidence must complete the required information in property management system.. The lab forms will be transported with the evidence to the examining laboratory.

Upon delivering the item involved, the officer will record the delivery date and time and the name of the employee 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 evidence section for scanning in to EonQ.

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, shall be noted on the computer record (EonQ), stating the date, time and to whom it was released. A verifiable court subpoena will be required before evidence will be released to members for court.

The property and evidence technician shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Section or released to another authorized person or entity. Unannounced releases (such as to clerk of court for further proceedings) shall result in near-immediate notification to evidence technician.

The return of the property should be recorded on the computer record (EonQ), indicating date, time and the person who returned it.

800.6.4 AUTHORITY TO RELEASE PROPERTY

The property and evidence technician shall not release any property without authorization.

The responsible officer for the case (as designated by the records management system-SPILMAN) shall authorize the disposition or release of evidence in cases where arrests have not been made. If the responsible officer has left our employ, the last known supervisor shall be responsible for the member's evidence review.

A release from the prosecuting attorney's office is needed to release evidence in cases where arrests have been made.

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In the case of misdemeanor cases filed in County Court, the evidence technician is authorized, by agreement with the District Attorney's Office, to dispose of evidence two years from date of incident providing the underlying criminal case is closed (as indicated in Colorado State Courts Data).

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a property and evidence technician shall, 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 consent of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

Found, personal, property able to be released to owner and property for safekeeping will reach appropriate disposition based on those classifications.

The evidence technician, in sound judgment, may override an item's classification or a member's authorization to release and seek further clarification.

The evidence technician will review releases to ensure there are no conflicts with the release (i.e. co-defendants and crimes where releases are typically prohibited). The evidence technician will ensure that instructions in criminal case releases are followed as best and as soon as practical.

800.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence (CRS § 24-4.1-302.5(1)(k)). Following a request from the victim, property no longer needed for evidence shall be returned to the victim within five working days unless the property is contraband or subject to forfeiture proceedings (CRS § 24-4.1-303(7)).

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property EonQ entry or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 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.

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A property and evidence technician shall 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 shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation.

Upon release or other form of disposal, the proper entry shall 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 shall be restored to the legal owner. Such property may be released from law enforcement custody when the following is satisfied (CRS § 13-25-130(3)):

(a) Photographs of the property are filed and retained by the Property and Evidence Section.

(b) Satisfactory proof of ownership is shown by the owner.

(c) A declaration of legal ownership is signed under penalty of perjury.

(d) If a defendant has been filed upon, he/she has been notified that such photographs, video tapes or films have been taken, recorded or produced.

(e) A receipt for the property is obtained from the owner upon delivery.

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 shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, 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 90 days 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 or destroyed upon receipt of proper authorization for disposal. The property and evidence technician shall 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 detective.

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Upon any release or sale of any property, the proper notation shall be made in EonQ. Proceeds from the sale of unclaimed property shall 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 shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- 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
- 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 § 38-13-201).

800.8 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of

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the notification. A record of all certified mail receipts shall be retained in the appropriate file and a copy forwarded to the Investigation Deputy Chief.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigation Deputy Chief should be consulted and the sexual assault victim should be notified at least 60 days prior to the disposition of the evidence. The evidence shall be retained for an additional ten years upon objection by the victim to destruction (CRS § 24-4.1-303; CRS § 18-3-407.5).

800.8.1 SUFFICIENT SAMPLE PRESERVATION

DNA evidence that is subject to preservation pursuant to CRS § 18-1-1103 shall be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence (CRS § 18-1-1104(2)).

If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, the property and evidence technician shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

800.8.2 RECORDS RETENTION AND PRESERVATION

The Department shall maintain a DNA record for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

(a) DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).

(b) Except as provided by law (CRS § 18-1-1105; CRS § 18-1-1106; CRS § 18-1-1107), the Department shall preserve the DNA evidence for the life of a defendant who is convicted, if the sample was collected in a criminal investigation that resulted in a conviction listed in CRS § 18-1-1102(1) and 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)).

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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 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 REPORT OF ABANDONED PROPERTY (MONEY)
The Investigation UnitInvestigations Division supervisor shall complete and file a report of presumed abandoned property to the State Treasurer each year. The report shall cover the period from July 1 to June 30 and shall be submitted no later than the immediately following November 1 date (CRS § 38-13-110).

800.10 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION
On a quarterly basis, the Deputy Chief or his designee shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by theDeputy Chief who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

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(c) Whenever a change is made in personnel who have access to the Property and Evidence Section, an inventory of all evidence/property shall 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.

800.11 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon (18 USC § 922 (d); CRS § 13-14-105.5; CRS § 18-1-1001; CRS § 18-6-801; CRS § 24-33.5-424).

800.11.1 RELEASE OF FIREARMS IN RISK PROTECTION ORDER MATTERS

Upon notice from the Records Supervisor that an extreme risk protection order has been terminated or not renewed, notice should be provided to the respondent of the process for the return of firearms (CRS § 13-14.5-109).

Upon request by the person named in a risk protection order, firearms or permit surrendered pursuant to the order shall be returned to the person within three days after confirming eligibility to own or possess the firearm under federal and state law through a criminal history record check (CRS § 13-14.5-109). Additionally, prior to the release of firearms or a permit the Department should:

(a) Confirm that the risk protection order is no longer in effect.

(b) Provide notice to any family or household member of the person that the firearms or ammunition are going to be returned.

If a person other than the person named in the risk protection order claims ownership of any seized firearms, the Department shall follow the procedures outlined in CRS § 13-14.5-108.

If a person who has surrendered firearms pursuant to a risk protection order elects to transfer ownership of the firearms to another person, the Department shall follow the procedures outlined in CRS § 13-14.5-108 prior to releasing any firearm.

If a firearm remains unclaimed for at least one year from the date that an extreme risk protection order expired, the firearm should be disposed of according to department procedures (CRS § 13-14.5-109).

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Records Section Procedures

802.1 PURPOSE AND SCOPE

The Records Supervisor shall keep the Department Records Section procedures continuously updated to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Section 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.

802.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Section, accessible only to authorized Records Section personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Patrol Lieutenant.

802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Section shall be recorded on the report check-out log, which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

All original reports to be removed from the Records Section shall be photocopied and the photocopy retained in the report file location of the original report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

802.3 RECORDS MANAGER TRAINING

The Records Supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

802.4 REQUISITION OF SUPPLIES

All personnel in need of supplies shall make a request to the Records Supervisor or Administrative Assistant.

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802.5 PRIVACY POLICY

The Records Supervisor shall apply, and assist in the development and maintenance of, the organization's policy standardizing the collection, storage, transfer and use of personally identifiable information pursuant to CRS § 24-72-502. Minimally, the policy shall include:

(a) A declaration supporting the protection of individual privacy.

(b) Standards which minimize the collection of personally identifiable information to the least amount of information required to complete a particular transaction.

(c) The applicability of the Colorado Criminal Justice Records Act.

(d) A method for feedback from the public on compliance with the privacy policy.

(e) Notation that the policy applies to the collection of all personally identifiable information, regardless of the source or medium.

The privacy policy shall be published on the organization's website.

802.6 REPORTING

The Records Supervisor shall ensure that data required to be collected by CRS § 24-33.5-412, including offense and arrest information separated by summons, custody and on-view, is submitted to the Colorado Division of Criminal Justice for each calendar year by March 31 of the following year (CRS § 24-33.5-518).

802.7 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the Division of Criminal Justice for:

1. Qualifying incidents, including those involving the use of force by an officer that results in death or serious bodily injury or involves the use of a weapon (CRS § 24-31-903).

2. Criminal offenses, including information regarding arrests and disposition of charges (CRS § 24-33.5-412; CRS § 24-33.5-518).

3. All instances of an officer’s resignation while under investigation (CRS § 24-31-903).

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(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for the entry of extreme risk protection orders into appropriate databases, notice to courts, and removal of orders from databases, as applicable (CRS § 13-14.5-110).

(h) Establishing a process for the filing of the following with the court after service of a risk protection order, as applicable (CRS § 13-14.5-108):

1. The original receipt of surrendered items within 72 hours of service of the order. A copy of the receipt shall also be properly maintained by this department.
2. In cases where no firearms were taken into custody, a statement notifying the court of the same.
    (a) A copy of the receipt shall also be properly maintained by the Department.

(i) Providing notice to the Property and Evidence Section upon the termination or nonrenewal of an extreme risk protection order (CRS § 13-14.5-107).

(j) Establishing a process for entering reports of lost or stolen firearms into the Colorado Bureau of Investigations Crime Information Center Database within 5 days of receiving the report (CRS § 18-12-113).

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Records Maintenance and Release

806.1 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.

806.2 POLICY

The Fountain 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.).

806.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records 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 the availability of a current schedule of fees for public records as allowed by law (CRS § 24-72-306).

806.4 PROCESSING REQUESTS FOR RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

806.4.1 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 shall 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 the redactions. If the record is audio or video, a copy of the redacted audio/

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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) shall, 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 Custodian of Records shall deny access to a requester seeking access to records unless the requester signs a statement which affirms that the records shall 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 Custodian of Records shall notify the requester of the status. This notice shall be in writing if requested by the requester. If requested, the Custodian of Records shall 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 Custodian of Records shall 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 Custodian of Records shall notify the requester of the status. The notice shall be in writing if requested by the requester. The notice shall 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 Custodian of Records has knowledge that the records requested are in the custody and control of the central repository for criminal justice records, the request shall be forwarded to the central repository.

(g) If the Custodian of Records denies access to a record and the applicant has requested a written statement of the grounds for the denial, the Custodian of Records shall 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).

(h) Records related to completed internal investigations (including any appeals) into the alleged misconduct of an in-uniform or on-duty officer, when involving a member of the public, shall be made available for inspection as required by CRS § 24-72-303.

806.5 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

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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 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" shall 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.

806.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. 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.

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.

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806.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

806.8 EXPUNGEMENT OR SEALED RECORDS

Expungement orders or orders to seal criminal records received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall 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 shall respond to any inquiry as though the record did not exist (CRS § 24-72-702; CRS § 24-72-703).

806.8.1 EXPUNGEMENT OF ARREST RECORDS RESULTING FROM MISTAKEN IDENTITY

If the Investigation Unit supervisor determines that a person was arrested based on mistaken identity and no charges were filed following the arrest, the Custodian of Records shall 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 determines the mistaken identity, in the judicial district where the arrest occurred (CRS § 24-72-702).

806.8.2 EXPUNGEMENT OF CERTAIN JUVENILE RECORDS WITHOUT COURT ORDER

The Custodian of Records shall acknowledge receipt of a notice issued by the district attorney or other diversion provider that a juvenile has successfully completed a prefiling diversion. Upon receipt of the notice, the Custodian of Records shall treat the records as expunged within 35 days and without need of a court order (CRS § 19-1-306).

806.9 SECURITY BREACHES

Members who become aware that any Fountain Police Department system containing personal information may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records shall 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 shall 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 shall 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

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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 impede a criminal investigation. In such cases, notice shall 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).

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Protected Information

808.1 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 Fountain 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.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Fountain 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

808.2 POLICY

Members of the Fountain 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.

808.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Division of Motor Vehicles (DMV) records and the Colorado Crime Information Center (CCIC).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

808.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Fountain 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.

808.5 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 Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records 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.

808.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(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.

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(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

808.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (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).

808.7 CHALLENGE TO CRIMINAL OFFENDER RECORD

Any person has the right to challenge the accuracy and completeness of criminal justice records pertaining to him/her and to request that said records be corrected (CRS § 24-72-307). Any such requests shall be forwarded to the Records Supervisor.

Upon receipt of a request to correct the record, the Records Supervisor will evaluate the request as follows:

(a) The Records Supervisor 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 Supervisor requires additional time to evaluate the merit of the request for correction, the Records Supervisor shall notify the applicant in writing.

1. The Records Supervisor shall then have 30 days from the date of receipt of the request for correction to evaluate the request and to make a determination of whether to grant or refuse the request, in whole or in part.
2. The Records Supervisor will communicate that decision to the applicant in writing.

(c) If the Records Supervisor refuses to make the requested correction and the person requests a written statement of the grounds for the refusal, the Records Supervisor shall promptly provide such a written statement.

(d) If the Records Supervisor decides to make the correction, the Records Supervisor will ensure the change is made in the records of the Fountain Police Department and communicate the correction to the Colorado Bureau of Investigation.

808.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies

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authorized access and use of protected information, as well as its proper handling and dissemination.

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Computers and Digital Evidence

810.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information. This policy also establishes procedures for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

810.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with the case number, evidence sheet number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items into the Property and Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation
2. Who was using it at the time

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3. Who claimed ownership

4. If it can be determined, how it was being used

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g. Apple keyboard and mouse) and necessary for examination of the associated media.

810.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Until properly secured, networked computers can be accessed remotely to alter critical hard drive data. Therefore, cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner as soon as practicable for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence. The forensic copy of the image of the hard drive shall be marked and maintained as primary evidence.

810.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, disks or any other storage media is required, forward the following items to a computer forensic examiner:

(a) A copy of reports involving the computer, including the evidence/property sheet

(b) A copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation or other legal authority for examination

(c) A list of the items to search for (e.g., photographs, financial records, e-mail, documents)

(d) A forensic copy of the media will be made; subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

810.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

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(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

810.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices (PCD), such as cellular phones, Personal Data Assistants (PDA) or other handheld devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be wrapped in no less than six sheets of heavy duty aluminum foil, or placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

810.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence.

810.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

810.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

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(a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as reasonably possible for submission into evidence.

(b) Officers are only authorized to review the data stored on the device that was used to record the data. Copying data from memory cards is prohibited. Evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as reasonably possible following the collection of evidence, the camera operator is to remove the memory card from his/her digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a ziplock-type baggie. The camera operator shall write his/her name and the related case number on the outside of the baggie before placing it in the film drop box along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for reuse. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

810.5.3 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

810.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is related to case documentation and held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Jeanne Clery Campus Safety Act

818.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act).

818.2 POLICY

The Fountain Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Fountain Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Fountain Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Fountain Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

818.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Chief of Police shall:

(a) Ensure that the Fountain Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
4. Notify the Fountain Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Fountain Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such

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disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

(g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092 (f)(1)(K); 20 USC § 1092(f)(1)(L)).

818.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Fountain Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter

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8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
10. Dating violence, domestic violence, and stalking
11. Hazing

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46 (c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Fountain Police Department (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

(h) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

818.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

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(a) The daily crime log will record all crimes reported to the Fountain Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

818.5 INFORMATION DISSEMINATION

It is the responsibility of the AdministrationDeputy Chief to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:

    (a) Procedures victims should follow.

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(b) Procedures for protecting the confidentiality of victims and other necessary parties.

5. Policies and incident prevention and awareness programs concerning hazing, including:
   (a) Procedures for reporting incidents.
   (b) Procedures for investigating incidents.
   (c) Information on applicable local, state, and tribal laws on hazing.
   (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
6. Enforcement policies related to alcohol and illegal drugs.
7. Locations where the campus community can obtain information about registered sex offenders.
8. Emergency response and evacuation procedures.
9. Missing student notification procedures.
10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

(d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

818.5.1 INTERNAL INFORMATION DISSEMINATION

This department may provide information, including police reports, regarding any incident within its jurisdiction to (CRS § 23-5-141):

(a) The director, or director's designee, of any campus program or unit with administrative responsibility for victim assistance, mental health services, university housing, student discipline processes or student affairs.

(b) A campus behavioral intervention task force.

When providing information regarding a sexual assault or attempted sexual assault, the victim's name and identifying information shall be redacted unless the victim agrees otherwise, in writing, with respect to each administrator or task force that will be given the information.

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Animal Control

819.1 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.

819.2 THE HUMANE SOCIETY RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Humane Society and include:

(a) Animal-related matters during periods when the Humane Society is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the Humane Society 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.).

819.3 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.
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.

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819.4 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.

819.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall 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.

819.6 POLICY

It is the policy of the Fountain 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.

819.7 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.

819.8 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 shall be notified of the facts related to the bite and the killing, and the body of the dog shall be held for release to the board of health (6 CCR 1009-1:1).

819.9 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 shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

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819.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Lieutenant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

819.11 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.

819.12 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 shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

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Communication Operations

820.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

820.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

Fountain Police Department radio operations shall be conducted in accordance with FCC procedures and guidelines.

820.2 COMMUNICATION OPERATIONS

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between the Communications Center and officers.

820.2.1 CALL HANDLING

When a call for law enforcement services is received, the dispatcher will determine if the call is an emergency or non-emergency. The dispatcher will determine the call type, location and priority by asking the four key questions:

- Where?
- What?
- When?
- Who?

A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding units and the affected citizen. Dispatchers should be courteous, kind, patient and respectful in dealing with the public.

Emergency calls should be dispatched immediately. The Patrol Lieutenant shall be notified of pending calls for service when units are unavailable for dispatch.

820.2.2 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and noncriminal service or self-initiated activity. Employees shall attempt to elicit, record and share as much information as possible to enhance the safety of the officer and assist

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in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name, address and telephone number of complainant, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of any officer assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

820.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other officers know the status of officers, their locations and the nature of their cases.

820.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use their entire call sign when calling the Communications Center or another unit. The use of the call sign allows for a brief pause so that the dispatcher or called unit can respond to the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Fountain Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Fountain Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

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900.3.1 PROPERTY
Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Fountain Police Department identification number and information regarding how and when the property may be released.

900.3.2 VERIFICATION OF MONEY
All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.3.3 VERIFICATION OF DETAINEE'S MONEY
All money belonging to the detainee and retained by an officer shall be counted in front of the detainee. When possible, the detainee shall initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4 STRIP SEARCHES
No individual in temporary custody at any Fountain Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.4.1 STRIP SEARCH PROCEDURES

Strip searches at Fountain Police Department facilities shall be conducted as follows (28 CFR 115.115; CRS § 16-3-405):

(a) Written authorization from the Patrol Lieutenant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.

2. The reasons less intrusive methods of searching were not used or were insufficient.

3. The written authorization for the search, obtained from the Patrol Lieutenant.

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4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) A copy of the written authorization should be retained and made available upon request to the detainee or the detainee's authorized representative.

900.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Patrol Lieutenant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Lieutenant authorization does not need to be in writing.

900.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Patrol Lieutenant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request,

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to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician or nurse may conduct a physical body cavity search (CRS § 16-3-405(5)).

(c) Except for the physician or nurse conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Patrol Lieutenant's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and should be made available to the individual who was searched or other authorized representative upon request.

900.6 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.7 TRAINING

The Training Manager shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex detainees.

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900.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

900.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

    1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Fountain Police Department Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

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

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, arrestee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, arrestee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, arrestee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, arrestee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

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

902.2 POLICY

The Fountain Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Fountain Police Department will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Fountain Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Fountain Police Department detainees or arrestees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents” or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Lieutenant any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 PATROL LIEUTENANT RESPONSIBILITIES
The Patrol Lieutenant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Lieutenant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Patrol Lieutenant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Lieutenant shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS
The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS
The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Fountain Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Patrol Lieutenant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Patrol Lieutenant or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Fountain Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Temporary Custody of Adults

903.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Fountain Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

903.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Fountain Police Department prior to being released or transported to a housing or other type of facility.

903.2 POLICY

The Fountain Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

903.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

903.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Fountain Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

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1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

903.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (6 CCR 1010-13:18.0). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

903.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

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(c) Any other person authorized by the Patrol Lieutenant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

903.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others (6 CCR 1010-13:14.0). The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the jail or other appropriate facility.

The officer should promptly notify the Patrol Lieutenant of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Lieutenant shall determine whether the individual will be placed in a cell, immediately released or transported to the jail or other facility.

903.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Patrol Lieutenant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

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(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

903.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Deputy Chief will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

903.5 SAFETY, HEALTH AND OTHER PROVISIONS

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903.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Fountain Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Fountain Police Department.

The Patrol Lieutenant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Patrol Lieutenant should make periodic checks to ensure all log entries and safety and security checks are made on time.

903.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins (6 CCR 1010-13:10.0).

(d) There is reasonable access to a drinking fountain or water (6 CCR 1010-13:10.0).

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

1. Personal clothing taken shall be cleaned, disinfected or stored so as to control communicable diseases (6 CCR 1010-13:12.0).

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual (6 CCR 1010-13:12.0).

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1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches (6 CCR 1010-13:8.0).

903.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times (6 CCR 1010-13:14.0).

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Fountain Police Department. They should be released or transferred to another facility as appropriate.

903.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Patrol Lieutenant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

903.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival (CRS § 16-3-402).

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

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1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

903.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

903.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

903.5.8 ATTORNEYS

The Patrol Lieutenant is responsible to ensure the following:

(a) Any attorney in this state shall be permitted to see and consult with a person in custody, alone and in private (CRS § 16-3-404):

1. Upon the demand of the person in custody.
2. Upon demand of a friend, relative, spouse or attorney of the person in custody, if the person expressly consents to see or to consult with the attorney.

(b) A person in custody shall be allowed to consult with an attorney as many times and for as long as reasonable.

(c) Any attorney and the person in custody should be searched for weapons prior and after being admitted to an interview room.

(d) Attorneys must produce a current identification card or license from a recognized state regulatory or licensing agency, as well as other matching appropriate identification.

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(e) Interviews between attorneys and their clients shall not be monitored or recorded.

903.5.9 FOOD SERVICE

Food provided will be purchased from a retail or commercial food provider (6 CCR 1010-13:13.0).

903.5.10 VISITATION

Visitation of individuals in temporary custody is based on space availability, department staffing levels and whether an emergency or other condition justifies a limitation in visitation privileges. The Patrol Deputy Chief will establish visitation rules that shall be followed by visitors and individuals in custody.

The Department should provide adequate facilities for visiting that include appropriate space for the screening and searching of persons in custody and visitors and storage of visitors' personal belongings that are not allowed in the visiting area. Visitors with disabilities who request special accommodations shall be referred to a supervisor.

Visitor logs shall be developed and maintained in accordance with established records retention schedules. All visitors must register and produce valid government identification. An official visitor shall present proof of professional capacity (e.g., attorney license/Colorado Bar card, police identification, business card/letterhead of business with the visitor's name). Failure or refusal to provide valid government identification is reason to deny a visit.

Visitors who enter the facility are subject to search if there is reasonable cause to believe the visitor has violated the law, is wanted by a law enforcement agency or is attempting to bring contraband into the facility. All searches shall be made in accordance with current legal statutes, case law and the Search and Seizure Policy.

An individual in custody may refuse to visit with a particular individual. Visitation may be denied or terminated by a supervisor if the visitor poses a danger to the security of the facility or there is other good cause (e.g., visitor appears to be under the influence of drugs and/or alcoholic beverages, refuses to submit to being searched, violates facility or visitation rules). Any visitation that is denied or terminated early shall have the actions and reasons documented. Copies of the documentation will be provided to the Patrol Deputy Chief and placed into the file of the individual in custody.

903.5.11 BAIL OR PRETRIAL RELEASE

Individuals in custody should be allowed to consult with the pretrial release agency or with a bail bondsman as soon as practicable after admission to the facility.

903.5.12 MEDIA ACCESS

Media access to temporary holding facilities and areas shall comply with the Media Relations Policy and facility policies. Access by the media may be prohibited during emergencies and at no time shall:

(a) Violate the privacy of individuals who are in custody.

(b) Impede facility operations.

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(c) Interfere with criminal investigations.

903.5.13 COORDINATING IMMIGRATION INTERVIEWS

Members may coordinate telephone or video interviews between federal immigration authorities and an individual held in custody only after the individual has been advised in writing, and in the individual's language of choice, of the following (CRS § 24-76.6-102):

(a) The interview is being sought by federal immigration authorities.

(a) The individual has the right to decline the interview and remain silent.

(a) The individual has the right to speak to an attorney before submitting to the interview.

(a) Anything the individual says may be used against him/her in subsequent proceedings, including immigration court.

Members will provide a copy of the written advisement to the individual when he/she is released from custody.

903.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Fountain Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

903.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

903.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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The Patrol Lieutenant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Patrol Lieutenant shall attempt to prove or disprove the claim.

903.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary (6 CCR 1010-13:18.0). An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

903.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Deputy Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Fountain Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Patrol Lieutenant, Chief of Police and Investigation Deputy Chief

(c) Notification of the spouse, next of kin or other appropriate person

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Evidence preservation

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903.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Fountain Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

903.11 ASSIGNED ADMINISTRATOR

The Patrol Deputy Chief will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance (6 CCR 1010-13:18.0)

(d) Emergency medical treatment including (6 CCR 1010-13:14.0)

1. Procedures for emergency evacuation of the inmate from the facility
2. A designated emergency on-call physician and dental services provider
3. A designated hospital emergency room or other appropriate health care facilities

(e) Escapes

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(f) Evacuation plans (6 CCR 1010-13:14.0)

(g) Fire- and life-safety (6 CCR 1010-13:16.0)

(h) Disaster plans

(i) Building and safety code compliance (6 CCR 1010-13:3.0)

(j) Insect and rodent control (6 CCR 1010-13:7.0)

(k) Storage, collection, transportation and disposal of garbage, refuse and recyclable materials (6 CCR 1010-13:6.0)

(l) Poisonous, toxic or hazardous substance use and storage (6 CCR 1010-13:15.0)

(m) If authorized, receiving mail/packages and managing visitation for individuals in custody

903.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Fountain Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Fountain Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Deputy Chief should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.
The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administration Deputy Chief shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Veterans and spouses of veterans of the United States Armed Forces shall receive preference as applicable (CRS § 29-5.5-104; Colo. Const. art. XII, § 15(1)).

1000.4.2 CANDIDATES PREVIOUSLY EMPLOYED BY GOVERNMENTAL AGENCY

The Administration Deputy Chief shall ensure that a waiver is included in the application for applicants employed or previously employed by a law enforcement or governmental agency that authorizes disclosure of all files, including the candidates' internal affairs files.

The Administration Deputy Chief shall submit the waiver to the agency at least 21 days prior to making a hiring decision regarding the candidate (CRS § 24-33.5-115; CRS § 31-30-108).

1000.4.3 EXAMINER AND INVESTIGATOR QUALIFICATIONS

If a polygraph or computer voice stress analysis examination is administered, the examiner should be appropriately licensed or certified and a copy of the license or certification should be maintained by the accreditation coordinator.

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Medical and psychological examinations should be administered by appropriately licensed professionals. Examination results should be securely maintained in accordance with Colorado law and the established records retention schedule (see the Personnel Records and the Records Maintenance and Release policies).

Only members who have received department-approved training should conduct background investigations.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Fountain Police Department.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Deputy Chief should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Deputy Chief should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Deputy Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

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1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 BACKGROUND INVESTIGATION CONSIDERATIONS

Background investigators shall verify a candidate's qualifying credentials. Background investigations should involve a home visit with the candidate and his/her family and interviews with neighbors and at least three personal references of the candidate. Personal references should include at least one employer if the candidate has an employment history.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (CRS § 24-31-305; 4 CCR 901-1:10). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the Colorado Peace Officer Standards and Training (POST) Board (CRS § 24-31-305; 4 CCR 901-1:10):

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(a) Completion of basic training and passage of a POST-administered examination, as applicable (CRS § 24-31-305).

(b) Be a citizen of the United States, a legal permanent resident or otherwise lawfully present in the United States pursuant to federal law (CRS § 24-76.5-103).

(c) Be a resident of the state of Colorado (CRS § 29-5-101).

(d) Possess a valid Colorado driver's license or United States military card (CRS § 24-76.5-103).

(e) Have submitted to both a physical and a psychological evaluation (CRS § 24-31-303).

(f) Have a high school diploma or equivalent (CRS § 24-31-305).

(g) Possess a current first aid and cardio pulmonary resuscitation certificate (CRS § 24-31-305).

(h) Have submitted to a fingerprint-based criminal history record check (CRS § 24-31-303).

(i) Unless granted an exemption by the POST director, no disqualifying incidents, as defined in 4 CCR 901-1:1 and CRS § 24-31-305.

1000.8 PROBATIONARY PERIODS

In the absence of a collective bargaining agreement stating otherwise, entry-level training and a probationary period of at least 12 months are required before members are considered for regular employee status.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Fountain 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 employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1002.3 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 employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees 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.

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1002.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated every month	Evaluated yearly	Length of probation
Probationary certified employees	X		1 Year
Non-probationary certifiedemployees		X	
Probationarycivilianempl	X**oyees**		1 Year
Non-probationary, civilianemployees		X	

1002.4.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officers Policy.

1002.4.2 VOLUNTEER EVALUATIONS

Volunteer evaluations are covered in the Volunteer Policy.

1002.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary certified personnel are evaluated daily, weekly and monthly during the probationary period.

1002.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An employee performance evaluation shall 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 shall 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 shall be completed by the current supervisor with contributions from the previous supervisor.

Special - A special evaluation may be completed any time the rater or the rater’s supervisor determine one is necessary for other reasons, including an assessment of employee performance that appears to have become substandard. Generally, when used to demonstrate those areas of performance that appear to be substandard the evaluation would include followup action (e.g., action plan, remedial training, retraining). The evaluation form and any documentation shall be submitted as one package.

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1002.6.1 RATINGS
The definition of each rating category is as follows:

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - 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 standards - 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.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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 shall be substantiated in the rater comments section.

1002.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

1002.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Deputy Chief. The Deputy Chief shall review the evaluation for fairness, impartiality, uniformity and consistency. The Deputy Chief shall use the quality of performance ratings prepared as a factor to evaluate the supervisor.

1002.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

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Promotional and Transfer Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Fountain Police Department.

1004.1.1 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

1004.2 CERTIFIED NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

(a) Special enforcement team member

(b) Investigator

(c) Motor officer

(d) Collision Investigator

(e) Field Training Officer

(f) Community Relations/Training Officer

(g) D.A.R.E. officer

(h) Court officer

1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

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(a) Three years experience

(b) Regular employee status

(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 Colorado Peace Officer Standards and Training (POST), federal or state law

1004.3 SELECTION PROCESS

The following criteria apply to transfers:

(a) An administrative evaluation as determined by the Chief of Police that shall 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 Deputy Chief for whom the candidate will work. The Deputy Chief will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Deputy Chief after the interview, the Deputy Chief 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.

1004.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Fountain Department of Human Resources.

1004.5 SUPERVISOR CERTIFICATE

Within one year of the effective date of assignment, all full-time first-line supervisors should complete a supervisor training course.

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote free verbal communication between employees and supervisors.

1006.1.1 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:

- The employee collective bargaining agreement
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual employee or by an employee bargaining group representative.

Specifically excluded from the category of grievances are:

(a) Complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.

(b) Complaints related to state workers' compensation.

(c) Personnel complaints consisting of any allegation of misconduct or improper job performance by any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Procedure Policy.

1006.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, the employee shall 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 employee may request interviews through the chain of command up to the Deputy Chief 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 employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall submit a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor that includes the following information:

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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 employee shall 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 employee within five business days. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Chief of Police and/or City Manager is considered final.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 PUNITIVE ACTION

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

1006.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall 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.

1006.6 GRIEVANCE AUDITS

The Training Manager shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Manager shall record these findings in a memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this Policy Manual, the Training Manager should promptly notify the Chief of Police.

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Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Colorado and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; CRS § 18-12-108).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Colorado (CRS § 24-31-305(1.5)).

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.

1010.3.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any criminal or civil court order. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate (see generally CRS § 24-31-303).

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

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Reporting of Employee Convictions

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 shall be subject to discipline.

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Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Lieutenant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 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. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect alcohol or drugs, or both.

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(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but that refusal may result in dismissal or other disciplinary action.

1012.7.2 SCREENING TEST REFUSAL
An employee 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.

1012.8 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).

1012.9 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, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave

1014.1 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 employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees 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.).

1014.2 POLICY

It is the policy of the Fountain Police Department to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (CRS § 8-13.3-404; CRS § 8-13.3-405). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (CRS § 8-13.3-418).

Employees on sick leave shall 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.

1014.3.1 NOTIFICATION

All members should notify the Patrol Lieutenant 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 (CRS § 8-13.3-404).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, 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.

1014.3.2 MANNER OF NOTIFICATION

Notice may be made orally or in writing and should include the expected duration of the absence (CRS § 8-13.3-404). Members are not required to disclose details related to domestic violence, sexual assault, stalking, or health information details (CRS § 8-13.3-412).

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1014.4 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 (CRS § 8-13.3-404). Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

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.

1014.4.1 EXTENDED ABSENCE DUE TO PUBLIC HEALTH EMERGENCY

Members will not be required to provide documentation from a health care provider for paid sick leave taken during a public health emergency when authorized under CRS § 8-13.3-405.

1014.5 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 four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources 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.

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Fountain Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Fountain Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Providing baseline testing for members who are exposed to known or possible sources of hepatitis C during the course and within the scope of employment (CRS § 8-42-101).

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2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Reporting of diseases (6 CCR 1009-1:1 et seq.; 6 CCR 1009-7:1 et seq.).
4. Reporting cases of active or suspected tuberculosis to the Colorado Department of Public Health and Environment (CRS § 25-4-502; 6 CCR 1009-1:4).

The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1016.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury and Death Reporting and Illness and Injury Prevention policies).

1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

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(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1016.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Working with the Colorado Department of Public Health and Environment or local health officers through their authority to investigate and control communicable diseases (CRS § 25-1.5-102; CRS § 25-4-506; CRS § 25-4-408; CRS § 25-4-412; CRS § 25-4-413).

(c) Obtaining a court order for exposures related to assault offenses (CRS § 16-3-303.8; CRS § 18-3-202; CRS § 18-3-203; CRS § 18-3-204; CRS § 18-3-415).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law).

Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

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(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Fountain Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Fountain Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Fountain Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No member shall smoke or use any tobacco product inside department facilities or smoke tobacco products within 25 feet of an entryway of any department building (CRS § 25-14-204). Smoking includes the use of an electronic smoking device as defined in CRS § 25-14-203.

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Fountain Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY

The Fountain 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, and the requirements of any collective bargaining agreements (CRS § 24-31-305).

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.3 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 shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Patrol Lieutenant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1020.3.2 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.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(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.

1020.3.3 REPORTING AUTHORITY
The person responsible for the Internal Affairs Unit has the authority to report matters directly to the Chief of Police when necessary.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS
Personnel 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 complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 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 shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

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.

1020.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall 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 shall include the nature of the complaint and the actions taken to address the complaint.

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On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1020.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1020.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor 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 shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

1. The original complaint form will be directed to the Patrol Lieutenant 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 shall orally report the matter to the member's Deputy Chief 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 24 hours 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 Patrol Lieutenant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Lieutenant and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Patrol Lieutenant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Patrol Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

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(h) 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.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 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 employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Fountain Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee should be informed of the nature of the investigation.

1. This should be provided in written form and include the employee’s rights and responsibilities relative to the investigation.
2. The employee 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.

(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any employee 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.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

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2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.

1. Upon request, the employee shall be provided copies of recordings, transcriptions and reports made of an interview session.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

1. Uninvolved attorneys or representatives present during interviews shall not be required to disclose any information received from the employee during the administrative investigation.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) No employee may be compelled to submit to a deception detection device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

Information concerning administrative interviews shall not be released to the public unless approved by the Chief of Police or the authorized designee.

1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall 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.

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Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1020.6.4 DISPOSITIONS
Each personnel complaint shall 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.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.5 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1020.6.6 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 applicable collective bargaining agreements and by Colorado law, the complaining party should be provided written notification of the outcome of the investigation.

1020.7 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.

1020.8 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 employee to administrative leave. Any employee placed on administrative leave:

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(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall 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 employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall 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 shall 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 shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Fountain 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.

1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1020.10.1 DEPUTY CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Deputy Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Deputy Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Deputy Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Deputy Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

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1020.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Deputy Chief for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall 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 shall be recorded by the Department. Upon request, the member shall 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 shall consider all information received in regard to the recommended discipline. The Chief of Police shall 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 shall become effective.

1020.10.3 FORMS OF DISCIPLINE

The following methods may be considered for correcting poor job performance or misconduct:

(a) Training

(b) Counseling

    1. Counseling may be administered by the Chief of Police, Deputy Chief or other supervisor depending on the severity of the matter.

    2. The supervisor or staff member administering the counseling shall document the purpose and effect of the counseling.

(c) Verbal reprimand

(d) Written reprimand

(e) Loss of leave

(f) Suspension without pay

(g) Punitive transfer

(h) Demotion

(i) Reduction in pay or step

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(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.

1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

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 shall 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 shall 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.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1020.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal discipline using the procedures established by any collective bargaining agreement and/or personnel rules.

1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

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1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1020.16 NOTIFICATION OF UNTRUTHFUL STATEMENTS

The Chief of Police or the authorized designee should notify POST when an investigation finds that an officer knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact (CRS § 24-31-305):

(a) On an official criminal justice record.

(b) While testifying under oath.

(c) During an internal affairs investigation.

(d) During an administrative investigation.

(e) During the disciplinary process.

Such notifications should be made following the exhaustion of any applicable administrative appeal and on a form prescribed by POST.

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Seat Belts

1022.1 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.

1022.1.1 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).

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall 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 shall 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.

1022.3 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 shall be transported in accordance with the Handcuffing and Restraints Policy.

1022.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1022.5 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.

1022.6 POLICY

It is the policy of the Fountain Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1022.7 TRANSPORTING CHILDREN

All children younger than 8 years of age shall be restrained in a child restraint system (CRS § 42-4-236).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1022.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Fountain 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.

1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Fountain Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall 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 shall be worn when an officer is working in uniform or taking part in Department range training.

(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.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1024.3.3 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.

1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Colorado (CRS § 24-72-301 et seq.)

1026.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments,

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notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1026.8.3 RELEASE OF FILES TO AUTHORIZED AGENCIES

Upon receipt of a valid waiver, the Custodian of Records shall disclose data in the personnel file of a current or former officer, including internal affairs files, within 21 days to another law enforcement or governmental agency that is interviewing the officer. Prior to release, the Custodian of Records shall ensure that the information is not subject to a binding nondisclosure agreement. Disclosure may be accomplished by either providing copies of the personnel files or allowing the requesting agency to review the personnel files at the Department (CRS § 24-33.5-115; CRS § 24-35-120; CRS § 30-10-526; CRS § 31-30-108; CRS § 33-9-112).

1026.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days

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provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1026.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Request for Change of Assignment

1028.1 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.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a memorandum requesting a change of assignment. The memorandum should then be forwarded through the chain of command to the Division Commander.

1028.2.1 PURPOSE OF MEMORANDUM

The memorandum should assist employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this memorandum.

All assignments an employee 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.

1028.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments on the memorandum before forwarding it to the involved employee's Lieutenant. In the case of patrol officers, the Shift Sergeant must comment on the request with his/her recommendation before forwarding the request to the Lieutenant. If the Shift Sergeant does not receive the Request for Change of Assignment Memorandum, the Lieutenant will initial the memorandum and return it to the employee without consideration.

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Commendations and Awards

1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Fountain Police Department and individuals from the community.

1030.2 POLICY

It is the policy of the Fountain Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1030.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1030.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond the typical duties.

1030.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1030.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

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2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1030.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Deputy Chief for his/her review. The Deputy Chief should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Deputy Chief. The documentation will be signed by the Deputy Chief and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1030.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1030.5.1 COMPENSATORY AWARDS

The Department may issue compensatory awards, such as additional time off with pay or additional pay, to recognize exceptional performance by employees.

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Fitness for Duty

1031.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. 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.

1031.2 MEMBER RESPONSIBILITIES

It shall be the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Members who feel unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform the member's duties, such observations shall be promptly reported to a supervisor.

1031.3 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform the member's duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility, or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1031.3.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the member's duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

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If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the supervisor's observations and actions in a written report and inform the Patrol Lieutenant or the member's Deputy Chief.

1031.3.2 DUTY STATUS

In conjunction with the Patrol Lieutenant or the member's Deputy Chief, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the member's job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the member's job, the Patrol Lieutenant or the member's Deputy Chief should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1031.4 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a 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 unusual 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 any member who has exceeded the above guidelines to off-duty status.

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.

1031.5 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy.

1031.6 POLICY

The Fountain Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

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1031.7 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1031.7.1 PROCESS

The Chief of Police, in cooperation with the Department of Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

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Personnel Early Intervention Program

1031.1 PURPOSE AND SCOPE

The Fountain Police Department has a responsibility to its employees and the community to identify and assist employees that demonstrate symptoms of job stress and performance problems. Although no particular set of criteria can determine these traits, it is important that certain risk indicators be reviewed routinely as possible indicators of behavior patterns. The Personnel Early Intervention Program (P.E.I.P.) has been established to provide a systematic review of specific written materials and incidents, and to highlight tendencies that may otherwise be overlooked.

1031.2 RISK INDICATORS

The following list represents examples of risk indicators that may be indicative of job stress or performance problems when demonstrated in a pattern by an employee. The list is not all-inclusive, and supervisors may deem other behaviors or actions of their employees as risk indicators at their discretion.

(a) Disciplinary actions - Includes Letters of Reprimand, suspensions and demotions. When applied as a risk indicator, items such as the frequency of disciplinary actions, level of discipline, and the actions or behaviors that resulted in discipline should be taken into consideration.
(b) Personnel complaints - Includes any credible 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. This can include verbal, telephonic or written/emailed complaints. When applied as a risk indicator, items such as the frequency of personnel complaints made against the department member, the actions or behaviors that resulted in complaints and the complaint dispositions should be taken into consideration.
(c) Responses to aggression/resistance - The application of physical techniques or tactics, chemical agents or weapons by a department member to another person. When applied as a risk indicator, items such as the frequency of force applications, types of force used, whether the employee was a primary or back-up officer, etc. should be taken into consideration.
(d) Vehicle pursuits - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop. When applied as a risk indicator, items such as the frequency of vehicle pursuits and the tactics used should be taken into consideration.
(e) Civil litigation - Generally includes all disputes that are formally submitted to a court, about any subject in which one party is claimed to have committed a wrong, but not a crime. When applied as a risk indicator, the number and types of lawsuits filed against a department member, the findings from the suits and the adverse effects of media attention on the department member (if any), should be taken into consideration.

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(f) Traffic accidents - Motor vehicle accident involving a department vehicle. When applied as a risk indicator, the frequency and seriousness of the accidents, and the type of violations or activities that led up to the accidents, should be taken into consideration.
(g) Declining performance - Performance by an employee in which his/her execution of required tasks and/or the quality of his/her work product is declining from his/her typical level of performance.
(h) Excessive sick leave usage - Consistent or frequent sick leave usage immediately before or after scheduled days off; consistent or frequent sick leave usage immediately before or after vacation days; consistent or frequent sick leave usage on holidays; consistent or frequent sick leave usage that coordinates with days off, vacation, or sick leave usage by a spouse or significant other also employed by the City of Fountain; a pattern of sick leave usage on certain days without explanation; maintaining a sick leave accrual balance at or near zero.
(i) Lateness for scheduled shift(s) – Consistently late for scheduled shifts without prior supervisor approval or a valid reason.
(j) Casualties - Includes on-duty injuries and occupational diseases resulting from accidents or work conditions. When applied as a risk indicator, the frequency and types of injuries, the causes of the injuries, etc. should be taken into consideration.
(k) Conduct out of character - Includes unnecessary risks which endanger the department member or his/her co-workers, inappropriate language or conduct, workplace violence, personal issues, etc.

1031.3 INITIATION OF PERSONNEL EARLY WARNING INTERVENTION PROGRAM

It shall be immediate supervisor's responsibility to ensure that a review is initiated when certain patterns of behavior, identified above as "risk indicators," are exhibited by the employees he/she supervises. A review is mandatory when an employee accumulates any combination of three personnel complaints, uses of force, traffic accidents or vehicle pursuits within any two-month period. Supervisors shall otherwise monitor their employees for other risk indicators, some of which are not quantifiable, and initiate reviews when appropriate. In all cases, the immediate supervisor shall explain his/her rationale for initiating a review by explaining the behaviors/incidents that his/her employee demonstrated in a Personnel Early Intervention Program Review Memorandum.

In order to avoid the escalation of more serious problems and to assist the employee in resolving the situation in a timely manner, the review shall be initiated by the employee's immediate supervisor as soon as practicable.

1031.4 PERSONNEL EARLY INTERVENTION PROGRAM PROCESS

The immediate supervisor of the employee demonstrating risk indicators shall:

(a) Collect and evaluate any applicable materials associated with the behavior patterns that prompted the review,
(b) Complete a Personnel Early Intervention Program Review Memorandum,

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(c) The immediate supervisor and next highest supervisor will conduct a conference with the subject employee,
(d) Evaluate the information contained in the completed Personnel Early Intervention Program Review Memorandum, and
(e) Evaluate any other relevant material.
(f) Document the employee's response during the conference on the memorandum.

In order to ensure that a fair and meaningful assessment is made, it is important that all appropriate material is evaluated during the review. The immediate supervisor shall document the results of the review as well as his/her recommendations on the Personnel Early Intervention Program Review Memorandum.

1031.5 FINAL DETERMINATION

If a resolution can be made during the review process and conference with the employee, the immediate supervisor will make the appropriate notation on the Personnel Early Intervention Program Review Memorandum, initiate any corrective action (if required) and submit the memorandum and supporting documents for placement in the employee's file, in the supervising Lieutenants office. A copy of the memorandum will be submitted to the appropriate Patrol or Support Services Commander for review.
If further review is required, the employee's chain of command, up to the appropriate Commander, will jointly make a final determination based on an assessment of the previously completed review and conference with the employee. Determinations and recommendations may result in one or more of the following alternative measures:

(a) Assessment that no problem exists, terminating further action
(b) Counseling by the immediate supervisor
(c) Remedial training
(d) Referral to peer counseling
(e) Referral to Employee Assistance Program for counseling/support
(f) Referral to drug testing, if reasonable suspicion exists
(g) Referral to psychological or medical fitness for duty examinations
(h) Other corrective action as deemed appropriate
(i) Referral to Professional Standards for an internal investigation if warranted

The completed Personnel Early Intervention Program Review Memorandum with a summary of the supervisory review determinations and recommendations shall then be placed in the employee's file housed and retained in the supervising Lieutenants office.

1031.6 INTERNAL AFFAIRS SECTION RESPONSIBILITIES

Considering the unique position of personnel assigned to the Internal Affairs Section to become aware of employees demonstrating risk indicators before their immediate supervisors may become aware of them (e.g., Receipt of personnel complaints and civil litigation), it shall be

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the responsibility of the Internal Affairs Section to notify the appropriate supervisors when such information becomes available and/or patterns develop.

1031.7 EVALUATION OF PERSONNEL EARLY INTERVENTION PROGRAM

The police department staff of Lieutenant and above shall conduct quarterly evaluation of the Personnel Early Intervention Program and files to ensure that all elements of the Program are operating efficiently and effectively to meet the needs of the Department.

1031.8 EMPLOYEE ASSISTANCE PROGRAM

Recognizing that employees, by virtue of their profession, encounter situations that require them to take action which may result in their suffering emotional or psychological trauma, the Fountain Police Department, via the City of Fountain, will assist its members to understand the impact of such incidents by providing employee assistance services via external entities (e.g., the City's designated Employee Assistance Program provider).

Employees who are interested in obtaining the services of the Employee Assistance Program should contact the City of Fountain Human Resources Department for further instructions.

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Meal Periods and Breaks

1033.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees.

1033.1.1 MEAL PERIODS

Certified employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1033.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

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Lactation Breaks

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1034.2 POLICY

It is the policy of the Fountain Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to two years after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; CRS § 8-13.5-101; CRS § 8-13.5-104).

1034.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the [dispatcher] or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1034.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; CRS § 8-13.5-104).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Lactation Breaks

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1034.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1035.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1035.2 POLICY

The Fountain Police Department maintains timely and accurate payroll records.

1035.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1035.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1035.5 RECORDS

The Administration Deputy Chief shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1037.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the City of Fountain Employee Policies & Procedures Handbook (http://www.fountaincolorado.org/egov/docs/1305563553_115875.pdf), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Time Report Form as soon as practicable after overtime is worked.

See attachment: Time Report.jpg

1037.1.1 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 employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked, rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a request for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may not exceed the number of hours identified in the City of Fountain Employee Policies & Procedures Handbook (http://www.fountaincolorado.org/egov/docs/1305563553_115875.pdf).

1037.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1037.2.1 EMPLOYEE RESPONSIBILITY

Employees shall complete the request immediately after working the overtime and submit it to their immediate supervisor or the . Employees submitting an overtime request for oncall pay when offduty shall submit it to the first day after returning to work.

1037.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

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After the entry has been made in the employee's payroll record, the overtime payment request will be forwarded to the employee's Deputy Chief for final approval.

1037.2.3 DEPUTY CHIEF RESPONSIBILITIES
Deputy Chiefs, after approving payment, will then forward the request to the Chief of Police for review.

1037.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., two hours for court, four hours for outside overtime). The supervisor will enter the actual time worked.

1037.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1037.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Patrol Lieutenant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Outside Employment

1039.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employee collective bargaining agreement.

1039.1.1 DEFINITIONS

Definitions related to this policy include:

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 employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Outside overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1039.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee 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 employee seeking to continue outside employment shall submit a new application in a timely manner.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

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1039.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Grievance Procedure Policy or the procedure set forth in the current collective bargaining agreement.

1039.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION
Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee 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 employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1039.3 PROHIBITED OUTSIDE EMPLOYMENT
The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

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(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1039.3.1 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 outside overtime will be monitored by the patrol supervisor.

(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 employees requested for such outside security services.

(c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer shall wear the Department uniform/identification.
2. The officer shall 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 outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. 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.

1039.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

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1039.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Deputy Chief, undercover officers or officers assigned to covert operations shall 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.

1039.4 DEPARTMENT RESOURCES
Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1039.4.1 REVIEW OF FINANCIAL RECORDS
Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in revocation of the outside employment application. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1039.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1039.6 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 shall 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. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the approved application be suspended or revoked.

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In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the employee's application will be forwarded to the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment application while on 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 employee, as indicated by the City's professional medical advisers.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to his/her supervisor.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

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Occupational Disease and Work-Related Injury and Death Reporting

1041.1 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.

1041.1.1 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.

1041.2 POLICY

The Fountain 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.).

1041.3 RESPONSIBILITIES

1041.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate.

1041.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

If an employee is physically or mentally unable to provide notice of an occupational disease or work-related injury, his/her supervisor shall report such disease or injury in writing as soon as practicable (CRS § 8-43-102).

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1041.3.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief who receives a report of an occupational disease or work-related injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administration Deputy Chief.

1041.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

The Chief of Police or the authorized designee shall ensure that a printed card notifying employees of their responsibility to report a workplace injury is displayed at all times in a prominent place in the workplace pursuant to CRS § 8-43-102.

1041.4 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Deputy Chief through the chain of command and a copy sent to the Administration Deputy Chief.

Unless the injury is extremely minor, this report shall 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.

1041.5 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 shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1041.5.1 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 shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall 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.

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Personal Appearance Standards

1043.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1043.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1043.2.1 HAIR

Hairstyles of all members shall 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.

1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1043.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or the authorized designee.

1043.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1043.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

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(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1043.3 TATTOOS

While on-duty or representing the Fountain Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1043.4 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

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Police Uniform Regulations

1045.1 PURPOSE AND SCOPE

The uniform policy of the Fountain Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

- Firearms Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The Fountain 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 Fountain Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1045.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not loan any portion of the uniform to others.

(e) Employees shall 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 Fountain Police Department uniform specifications and procedures.

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(h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(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 employee while off-duty.

(k) Employees 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, shall 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

1045.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Deputy Chief.

1045.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1045.3.1 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

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The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

1045.3.2 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 white, navy blue or 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.

1045.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Chief of Police will establish the regulations and conditions for wearing the Class C uniform and its specifications.

1045.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as Canine Team, SWAT, bicycle patrol, motor officers and other specialized assignments.

1045.3.5 FOUL WEATHER GEAR
The uniform and equipment specifications manual lists the authorized uniform jacket and rain gear.

1045.4 INSIGNIA AND PATCHES

(a) The authorized shoulder patch supplied by the Department shall 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 and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall 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, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the

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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 shall 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) An American flag pin may be worn, centered above the nameplate. An American flag patch of a size not to exceed 3 inches by 5 inches may be worn on the sleeve or above the right front pocket using appropriate flag display etiquette.

(g) 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 or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

(h) 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.

1045.4.1 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.

1045.5 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 employees shall 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 shall wear button-style shirts with a collar, slacks or suits that are moderate in style.

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(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall 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
6. Denim pants of any color
7. Shorts
8. Sweatshirts, sweatpants or similar exercise clothing

(e) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Fountain Police Department or the morale of the employees.

(g) Certified employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Fountain Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize adepartment badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Fountain Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative

(b) Endorse, support, oppose or contradict any social issue, cause or religion

(c) Endorse, support or oppose, any product, service, company or other commercial entity

(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction

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1045.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the uniform and equipment specifications manual as optional shall be purchased at the expense of the employee.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Fountain Police Department employees 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.

Fountain Police Department employees 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.

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Nepotism and Employment Conflicts

1049.1 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.

1049.1.1 DEFINITIONS

Definitions related to this policy include:

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

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

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

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

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

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

1049.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department reserves the right to transfer or reassign

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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) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, 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 employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1049.2.1 EMPLOYEE RESPONSIBILITIES

All employees 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 employee shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1049.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the

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Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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Department Badges

1051.1 PURPOSE AND SCOPE

A Fountain Police Department badge and uniform patch as well as the likeness of these items and the name of the Fountain Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1051.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1051.2.1 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 Fountain Police Department with the written approval of the Chief of Police or the authorized designee.

(b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1051.2.2 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

(a) Civilian personnel shall 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) Civilian personnel shall 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.

1051.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase 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.

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1051.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or the authorized designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1051.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

(a) The employee associations may use the likeness of the Department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Fountain Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.

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Temporary Modified-Duty Assignments

1053.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1053.2 POLICY

Subject to operational considerations, the Fountain Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1053.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Colorado Anti-Discrimination Act (CADA) shall be treated equally, without regard to any preference for a work-related injury (CRS § 24-34-401 et seq.).

No position in the Fountain Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees 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 shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1053.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Deputy Chiefs or the authorized designees. 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 employee can safely perform the duties of the temporary modified-duty assignment.

The Deputy Chief 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 employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources 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 Patrol Lieutenant or Deputy Chief, with notice to the Chief of Police.

1053.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or Department needs at the discretion of the Deputy Chief.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1053.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified-duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Deputy Chief apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend

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beyond 60 days will require a written status report and a request for an extension to the Deputy Chief, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police or the authorized designee.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Deputy Chief and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1053.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1053.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Deputy Chief.

1053.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(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 Deputy Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1053.5.2 SUPERVISOR RESPONSIBILITIES

The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

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(a) Periodically apprising the Deputy Chief of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Deputy Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1053.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall 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 an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1053.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k); CRS § 24-34-401 et seq.). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1053.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1053.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1053.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Performance History Audits

1055.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1055.2 RESPONSIBILITIES

Under the authority of the Administration Deputy Chief, the Internal Affairs Unit is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate quarterly performance history audit reports that will be provided to the appropriate Deputy Chief. The Internal Affairs Unit will utilize confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare the report. Though generated quarterly, each report should contain data from a one-year period.

The Administration Deputy Chief should forward a copy of each performance history audit report to the City Attorney for review and retention as attorney work product and confidential personnel information.

1055.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1055.3.1 DATA ANALYSIS

The Administration Deputy Chief will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1055.3.2 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant intervention to improve officer performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training, or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Deputy Chief of such recommendation. If the Deputy

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Chief concurs with the recommendation of the supervisor, the supervisor shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

1055.3.3 FOLLOW-UP MONITORING
Depending upon the results of each performance history audit, a determination should be made by the Administration Deputy Chief, after discussion with the officer's immediate supervisor, about the need, type, and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1055.4 CONFIDENTIALITY OF DATA

Information, data, and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1055.5 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

1055.6 POLICY

The Fountain Police Department collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

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Speech, Expression, and Social Networking

1057.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Fountain Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected 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, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1057.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Fountain Police 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 Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1057.3 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 Fountain Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, 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 anticipated 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 department member.

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- Otherwise disclosing where another officer can be located off-duty.

1057.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Fountain Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, 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 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 Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity
3. Participation 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 to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, 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 (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing 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 Department.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, 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, digital media or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Fountain 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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Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1057.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Fountain Police Department or identify themselves in any way that could be reasonably perceived as representing the 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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Fountain Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, 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 elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1057.4.2 CIVIL LIABILITY

Members should consider that they may be subject to civil litigation for:

(a) Publishing or posting false information that harms the reputation of another person, group or organization.

(b) Publishing or posting private facts and personal information about someone that has not been previously revealed to the public, is not of legitimate public concern and would be offensive to a reasonable person.

(c) Using someone else’s name, likeness or other personal attributes without that person’s permission or for an exploitative purpose.

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(d) Publishing the creative work of another, trademarks or certain confidential information without the permission of the owner.

1057.5 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, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1057.5.1 OTHER PRIVACY CONSIDERATIONS

Members should consider that privacy protection varies among social media sites and personal information posted on such sites may not be protected.

1057.6 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 the 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 their 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.

1057.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

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Anti-Retaliation

1058.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1058.2 POLICY

The Fountain Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1058.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1058.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1058.4.1 WHISTLE-BLOWING

Members who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation in accordance with the Personnel Complaints Policy.

1058.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1058.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1058.7 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1058.8 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Police Cadets and Explorers

1059.1 PURPOSE AND SCOPE

Cadets and explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1059.2 EDUCATION REQUIREMENTS

Cadets and explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester credits of college course work per semester and senior cadets shall complete 12 credits per semester.

1059.3 PROGRAM COORDINATOR

The Training Manager will serve as the program coordinator. The program coordinator will be responsible for tracking the educational and job performance of cadets and explorers as well as making their individual assignments throughout the Department. The program coordinator will also monitor the training provided for all cadets and explorers and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1059.3.1 PROGRAM ADVISERS

The program coordinator may select individual officers to serve as advisers for the Cadet and Explorer Program. These officers will serve as mentors for each cadet and explorer. Cadets and explorers will bring special requests, concerns and suggestions to their program adviser for advice or direction before contacting the program coordinator. One adviser may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the cadets and explorers. Multiple cadets and explorers may be assigned to each program adviser. Program advisers are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the program coordinator.

1059.4 ORIENTATION AND TRAINING

Newly appointed cadets and explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet and Explorer Training Manual. Training sessions will be scheduled as needed to train cadets and explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets and explorers to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1059.5 CADET AND EXPLORER UNIFORMS

Each cadet and explorer will be provided two uniforms meeting the specifications described in the uniform and equipment specifications manual for civilian employees.

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1059.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet and explorer. Department needs and concerns will take precedence over individual cadet or explorer considerations, with the final decision resting with the Training Manager.

In general, senior cadets and explorers will be assigned to positions requiring more technical skill or responsibility, including training other cadets and explorers for new assignments.

1059.7 RIDE-ALONG PROCEDURES

All cadets and explorers are authorized to participate in the Ride-Along Program, provided ride-along standards are met, on their own time and as approved by their immediate supervisor and the appropriate Patrol Lieutenant. Applicable waivers must be signed in advance of the ride-along. Cadets and explorers shall wear their uniform while participating in a ride-along.

1059.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets and explorers shall be completed monthly during their first year. After the first year, cadets, senior cadets, explorers and senior explorers will be evaluated annually to assess their current job performance and their potential as police officers.

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Illness and Injury Prevention

1060.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Fountain Police Department.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1060.2 POLICY

The Fountain Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1060.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Deputy Chief is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

1060.4 ADMINISTRATION DEPUTY CHIEF RESPONSIBILITIES

The responsibilities of the Administration Deputy Chief include, but are not limited to:

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(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Communicable diseases
   (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1060.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Deputy Chief.

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(e) Notifying the Administration Deputy Chief when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1060.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Deputy Chief via the chain of command.

The Deputy Chief will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1060.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Deputy Chief shall ensure that the appropriate documentation is completed for each inspection.

1060.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

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1060.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1060.9 TRAINING

The Administration Deputy Chief should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1060.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

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(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1060.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Attachments

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