

OPERATIONS MANUAL
FOR THE
POLICE DEPARTMENT
OF THE CITY AND COUNTY
DENVER, COLORADO



**Approved by the
Manager of Safety**

Issued To

Serial Number

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2001 THROUGH 2012 REVISIONS TO THE OPERATIONS MANUAL

The purpose of this page is to assist all department members in maintaining a current Operations Manual.

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OPERATIONS MANUAL

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INTRODUCTION

TO: All Members of the Police Department:

The canons defined by the Law Enforcement Code of Ethics, rules, regulations and duties contained in this manual are published for the information and guidance of each member of the Denver Police Department. Rules and Regulations must be adhered to at all times. The duties and procedures are not intended to cover every situation which may arise in the course of one's career. There will be times when officers will have to rely solely upon their discretion and experience in order to be effective. In fact, the officers' value to the citizens and to the Department will be gauged not only by compliance with the instructions contained in this manual, but also by demonstrations of good judgment, zeal and performance under widely variant conditions. It is incumbent upon all officers to familiarize themselves with the contents of this Operations Manual so that they may know their duties and perform them properly.

AUTHORITY

By virtue of the authority vested in me as Chief of Police of the City and County of Denver, I hereby prescribe and adopt the following as a Manual of Operations for the Police Department of the City and County of Denver. This Operations Manual, as it hereafter is to be known, shall be the standard by which the actions of all officers in the Department of Police are to be measured.

In accordance with the Denver City Charter, all amendments to the Rules and Regulations as set forth in the Appendix must have the approval of the Manager of Safety.

The duties and procedures will change as needed by the Chief of Police with the concurrence of the Manager of Safety and their revisions issued after this date are to be prepared and distributed as appropriate. This Operations Manual shall replace and supersede the Procedure Manual and all Orders of this Department inconsistent herewith issued prior to August 1, 1977.

Alvin J. LaCabe, Jr.
Manager of Safety

Gerald R. Whitman
Chief of Police

DENVER POLICE DEPARTMENT

MISSION

***IN PARTNERSHIP WITH THE COMMUNITY, WE ENDEAVOR TO
OPERATE A POLICE AGENCY WITH A FOCUS ON PREVENTING CRIME
IN A RESPECTFUL MANNER, DEMONSTRATING THAT EVERYONE
MATTERS***

VISION

**THE DEPARTMENT, IN PARTNERSHIP WITH THE COMMUNITY, WILL ENDEAVOR TO ACHIEVE OUR
MISSION BY:**

- **Creating powerful crime prevention and reduction strategies**
- **Structuring the organization to promote professional, creative, well-trained, ethical, and accountable employees**
- **Utilizing the most modern and effective practices and methods**

VALUES

IN ORDER TO ACCOMPLISH OUR MISSION, WE VALUE AND PROMOTE:

- | | |
|---------------------------|---|
| ➤ Justice | <i>Use of authority to uphold what is right, just and lawful</i> |
| ➤ Equity | <i>Fair, impartial and equitable treatment of all people</i> |
| ➤ Integrity | <i>Faithful performance of our duties and always doing the right thing for the right reason</i> |
| ➤ Honesty | <i>Incorruptible character and truthfulness</i> |
| ➤ Accountability | <i>Demonstrating responsibility in all activities</i> |
| ➤ Respect | <i>Treating others as we would like to be treated</i> |
| ➤ Diversity | <i>Encouraging the participation of all people and the inclusion of diverse points of view</i> |
| ➤ Teamwork | <i>Achieving more through partnerships</i> |
| ➤ Innovation | <i>Encouraging creativity in the performance of our duties</i> |
| ➤ Customer Service | <i>Exceeding our customers' expectations</i> |

DEPARTMENT OBJECTIVE

The main objective of the Denver Police Department is to meet its responsibilities to the citizens of this community by providing the best professional law enforcement attainable.

In order to accomplish this objective, members of the Denver Police Department must make an organizational effort toward the betterment of communications and the encouragement of individual initiative.

The duties of each assignment shall be made known to all throughout this organization. Lines of communication are shown on the Organization Chart. It should be possible for anyone in this organization to contact the proper authority for action or decision on any problem.

It is believed that in order to fulfill this basic objective, it is necessary to create and maintain a sound organization through which the Denver Police Department can be easily and effectively directed and controlled. This does not imply disregard for the rights or abilities of the individual but rather a structuring of the human efforts concerned with carrying out the everyday activities in the operation of this department.

Consideration is given in the organizing process to greater personal satisfaction through more effective use of human talents and the attainment of individual as well as departmental goals.

ORGANIZATION POLICIES

To provide a guide for future action in organization planning, the following policies are stated:

Fixed Responsibility

It is the policy of the Denver Police Department to fix responsibility for each function. The manner in which such responsibility has been fixed is set forth in this manual.

Discretion

It is the policy of the Denver Police Department that in any situation for which there is no formal departmental rule or procedure, officers shall take the least stringent action which will be in the best interest of the public, resulting in equitable enforcement of the law and reflecting positively on the Denver Police Department.

Delegation of Authority

It is the policy of the Denver Police Department to delegate authority for decision making and action to the lowest level possible.

Organization Structure

It is the policy of the Denver Police Department to describe lines of authority and such functional and advisory relationships as are necessary to the conduct of good law enforcement and by means of an Organization Chart. This chart shows supervisory relationships, areas of activities, relations with other divisions, districts, bureaus, sections and units, and direct and indirect lines of authority.

Span of Control

It is the policy of the Denver Police Department to limit the number of subordinates reporting to any one supervisor. The limiting condition is that a supervisor must be able to give proper attention to the duties of his/her position in the organizational structure and follow the lines of authority and communication shown on the Organization Chart.

Communications and Lines of Authority

It is the policy of the Denver Police Department to have established lines of authority followed in all routine matters. It is not the purpose of this policy, however, to put an end to the "open-door" policy of command officers. Under exceptional circumstances and when normal lines of authority do not suffice, persons may seek advice and discuss problems with higher authority.

Organization Changes

It is the policy of the Denver Police Department to make basic changes in the described organization structure only after full consideration by the Manager of Safety, Chief of Police and by their respective executive staffs.

The Organization Chart

The Organization Chart shows in graphic form the overall organization structure, management position in the structure, and the flow of authority and accountability. The chart, however, is only a tool. It solves no problems by itself. It takes people to make an organization complete and functional. Coupled with the position guides, the Organization Chart forms the basis for communicative decision-making and general management action necessary to the most efficient conduct of this Department.

Common Responsibilities

It should be noted that there are many responsibilities common to all management positions. It would be repetitious to state these for each position, yet they are so fundamental to good management practice that they should be brought to everyone's attention. For example, in addition to the duties performed in directing a designated division, district, bureau, section or unit, each supervisory officer has the function of advising and acting for the Chief of Police in promoting coordination and cooperation in matters of department-wide concern. Other common responsibilities that should be the concern of all officers are:

1. Keeping current about developments of all kinds affecting their area of specialization and making use of such knowledge as will render maximum benefit to the Department.
2. Cooperate actively with their associates for the best attainment of department objectives.
3. Interpret approved policies and plans to their unit and to act as liaison in transmitting of information from top to bottom and vice versa.
4. Plan for both long and short-range objectives and policies for their assignment.
5. Participate in joint action with other divisions, districts, bureaus, sections, units and assignments where concerted action is needed for the solution of a problem.
6. Establish, maintain and administer procedures necessary for the efficient operation of this Department.
7. Administer and control expenditures of manpower, materials and other cost elements which could materially affect the operations of this Department.

Operations Manual

This Operations Manual, established as a result of these policies, will be the official guide to this department's organization and operation.

LAW ENFORCEMENT**CODE OF ETHICS**

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

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

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

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

POLICE OFFICER'S**OATH****City and County of Denver****State of Colorado**

I do solemnly swear by the ever-loving God that I will support the Laws and Constitution of the United States and of the State of Colorado, and the Charter and Ordinances of the City and County of Denver; and that I will faithfully perform the duties of the office of Police Officer of the City and County of Denver, to which I have been appointed.

Denver Police Department

ORGANIZATIONAL DEFINITIONS

The following definitions will govern the forthcoming discussion defining the organizational structure of the Denver Police Department and functions of each organic unit. They are presented here to provide uniformity and clarification of terminology.

ADMINISTRATION

The general administration of the Police Department is vested in the Manager of Safety who shall be in full charge and control over the Police Department.

Reference: Charter of the City and County of Denver
Article IX, Section A9.I.

The Chief of Police is the chief executive officer of the department and the departmental authority in all matters of policy, operation and discipline. He exercises all lawful power of his office, and issues such lawful orders as are necessary to assure the effective performance of the police operation.

Through the Chief of Police, the department is responsible for the enforcement of all laws and ordinances coming within its purview.

The rules governing the conduct of members of the classified service in the police department shall be set forth as written rules and regulations by the Chief of Police with the approval of the Manager of Safety provided, however, that such rules and regulations shall not contain any political or religious qualifications or disqualifications. Any member of the classified service shall be subject to discharge, reduction in grade, fine and suspension for a violation of such rules and regulations.

Reference: Charter of the City and County of Denver
Chapter C, Miscellaneous Article C5.73.

Department

The Denver Police Department.

Division

The first subordinate organization unit within the department usually comprised of two or more bureaus and under the command of a Division Chief.

Bureau

A unit having jurisdiction-wide authority for the accomplishment of specific responsibilities. The bureaus may or may not be subordinate to a division. When not subordinate to a division, it will be accountable directly to the Chief of Police.

Section

A functional unit which may be a sub-unit of a bureau or division, or under the immediate direction of the Chief of Police.

Unit

Any number of officers or employees of the department regularly grouped together under one head to accomplish a police purpose.

Official Duty

That time when an officer is on duty formally and engaged in an official capacity.

District

A geographical area administratively designated for purposes of command, supervision, investigation or patrol.

Precinct

A geographical area of varying size within a district to which one or more officers are specifically assigned for patrol purposes.

Pre-Arraignment Detention Center

City Jail located at police headquarters.

PERSONNEL DEFINITIONS

Chief of Police

The Office of the Chief of Police shall be filled by a person selected for that position and appointed by the Mayor. The Chief of Police shall be the executive of the Police Department.

Deputy Chief of Police

The position of Deputy Chief is the highest appointive rank of officers in the classified service. The Deputy Chief is appointed from the rank of Captain and serves at the pleasure of the Chief of Police.

Division Chief

The Division Chiefs are members of the Police Department in the classified service. They are appointed from the rank of Captain and/or Lieutenant and serve at the pleasure of the Chief of Police.

Commanding Officer

Any officer in charge of an organic unit.

Captain

A Captain is a member of the Police Department in the classified service, next in rank to the Division Chief of Police. This rank is attained by promotion from an eligible list established by competitive promotional examination from the rank of Lieutenant.

Lieutenant

A Lieutenant is a member of the Police Department in the classified service next in rank to a Captain. This rank is attained by promotion from an eligible list by competitive promotional examination.

Supervisory Officer

Officers assigned to positions requiring the exercise of immediate supervision over the activities of other officers and employees.

Sergeant

A Sergeant is a member of the Police Department in the classified service next in rank to a Lieutenant. This rank is attained by promotion from an eligible list established by competitive promotional examination.

Detective – Technician

A Detective or Technician as provided by the City Charter, is a patrol officer assigned by the Chief of Police to Detective or Technician duty. Appointed officers retain their rating under the classified service. This assignment is not a permanent promotion and the officer so assigned serves at the pleasure of the Chief of Police.

Officer

Any person appointed to the department as a full time regularly salaried peace officer. An officer is the basic individual unit of the Police Department from the ranks of which all assignments and promotions are made. They attain this rank by appointment from an eligible list established by a competitive examination in the classified service.

Superintendent of Radio Engineers

The Superintendent of Radio Engineers is a member of the Police Department in the classified service who shall attain their rank by promotion from an eligible list established by competitive examination among the qualified Radio Engineers.

Radio Engineer

Radio Engineers are members of the Police Department in the classified service, but are eligible for promotion only to the rank of Superintendent of Radio Engineers within the Police Department. Radio Engineers shall not be eligible to transfer to any other rank within the classified service.

Legal Coordinator

The Legal Coordinator shall be a practicing Attorney at Law. Responsibilities shall be to: Act as a liaison between the Department and the Courts, advise the Chief on legality changes and restrictions, accompany officers on investigations when required, lecture at the Police Academy and present pertinent roll-call training.

Employee

Every person other than officers appointed or assigned to the police department in any permanent or temporary classification.

DIVISION II**Series 1.00 and 2.00****PERSONNEL ORGANIZATION****FUNCTIONAL RESPONSIBILITIES OF DIVISIONS, BUREAUS,
SECTIONS AND UNITS****1.00 PERSONNEL ORGANIZATION**

1.01 Organization - Police Department

1.02 Career Service Employees

2.00 FUNCTIONAL RESPONSIBILITIES OF DIVISIONS, BUREAUS, SECTIONS AND UNITS

(Revised 04-2013)

2.01 Chief's Office

2.02 Legislative Unit

2.03 Internal Affairs Bureau

2.04 Community Policing Coordinator

2.05 Conduct Review Office

2.06 Civil Liability Bureau

2.07 Professional Standards Bureau

2.10 DEPUTY CHIEF OF POLICE - ADMINISTRATION

2.11 Administration Support Bureau

2.12 Financial Services Bureau

2.13 Public Affairs Unit

2.14 Chief's Office of Planning, Research & Support

2.20 DEPUTY CHIEF OF POLICE - OPERATIONS

2.21 Operations Support Bureau

2.30 CRIMINAL INVESTIGATION DIVISION

2.31 C.I.D. Support Bureau

2.32 Crimes Against Persons Bureau

2.33 Pattern Crimes Bureau

2.34 Crime Laboratory Bureau

2.35 Vice/Drug Control Bureau

2.36 Special Investigations Bureau

2.40 PATROL DIVISION

2.41 Patrol Support Bureau

2.42 Gang Bureau

2.43 METRO/SWAT Bureau

2.44 Nuisance Abatement Unit

2.45 District Four Criminal Investigations

2.50 SPECIAL OPERATIONS DIVISION

2.51 Special Operations Support Bureau

2.52 Traffic Investigations Bureau

2.53 Traffic Operations Bureau

2.54 Denver International Airport Police Bureau

2.55 Juvenile Bureau

2.56 Executive Security Unit

2.60 TECHNOLOGY AND SUPPORT DIVISION

2.61 Technology and Support Services Bureau Staff

2.62 Training Bureau

2.63 Property Bureau

2.64 Identification/Records Bureau

2.65 Computer Help & Information Planning Bureau

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2.66	Communications Bureau
2.67	Electronic/Engineering Bureau
2.68	Supply Section

1.00 PERSONNEL ORGANIZATION**1.01 Organization - Police Department**

- (1) The Police Department shall be composed of the Chief of Police who shall be appointed by the Mayor, and such subordinate police officers appointed pursuant to Civil Service requirements and employees appointed pursuant to Career Service requirements, as may be necessary to preserve the peace, protect persons and property, and enforce laws and ordinances.
- a. Chief of Police
 - b. Deputy Chiefs of Police
 - c. Division Chiefs of Police
 - d. Commanders
 - e. Captains
 - f. Lieutenants - Superintendent of Radio Engineers
 - g. Sergeants - Radio Engineers
 - h. Detectives – Technicians - Corporals
 - i. Police Officers
 - 1. Police Officer 1st Grade (Those having three or more years of service).
 - 2. Police Officer 2nd Grade (Those having two and less than three years of service).
 - 3. Police Officer 3rd Grade (Those having one and less than two years of service).
 - 4. Police Officer 4th Grade (Those who have been P.O.S.T. certified after Academy training, and who are in the nine month probationary period).
 - 5. Recruit Officer (Those officers in Academy training).

1.02 Career Service Employees

- (1) CSA employees will perform the duties designated by the Manager of Safety through the Chief of Police, working such hours as the officers under whose supervision they are placed shall deem proper for the accomplishment of the duties assigned to them.
- (2) In the performance of all duties they shall be honest, diligent, faithful, competent and obedient; exercise due care and strict economy in the use of city property and refrain from any act detrimental to the best interests of the City.
- (3) CSA employees shall also be amenable to all rules and regulations set forth by the Personnel Director appointed by the Career Service Board.
- (4) Career Service employees shall be given the necessary on the job training to complete their assignments and deal with the public in a professional manner. If an employee is performing in an unsatisfactory manner, every effort will be made to retrain and retain an employee in order to ENSURE that the employee will not be lost and that the citizens' view of the Department is not jeopardized.
- (5) Career Service employees are encouraged to take advantage of all schools and seminars made available to them as long as it does not interfere with the police mission.

2.00 FUNCTIONAL RESPONSIBILITIES OF DIVISIONS, BUREAUS, SECTIONS AND UNITS**2.01 CHIEF'S OFFICE**

- (1) The Deputy Chiefs of Administration and Operations, the Legislative Unit, the Internal Affairs Bureau and the Conduct Review Office report directly to the Chief of Police.

2.02 Legislative Unit

- (1) The lobbyists monitor state and local legislation and advise the Chief on its impact on the department. Legislation brought to state and city agencies from the Police Department are coordinated from within the Department by the lobbyists, with the Chief giving final approval, then presented to state government or the Mayor's Office and City Council by the Lobbyists.

2.03 Internal Affairs Bureau

- (1) The Internal Affairs Bureau (I.A.B) reports to the Chief of Police. Its primary responsibility is to ensure the integrity of the Denver Police Department.

2.04 Community Policing Coordinator

- (1) The Community Policing Coordinator is responsible for coordinating and disseminating information relating to community policing / problem solving activities for all divisions, as well as the chief of police.

2.05 Conduct Review Office (Revised 03-2013)

- (1) The mission of the Conduct Review Office is to maintain an effective discipline system that is fair, rational, efficient and consistent, reflects the values of the Department, protects the rights of officers and citizens, promotes respect and trust within the department and the community and results in a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism.
- (2) The Conduct Review Office (CRO) reviews all Internal Affairs Investigations and makes Findings and Penalty Recommendations when appropriate. The commander of the Conduct Review Office reports to the Chief of Police. The CRO also includes the Civil Liability Unit, Professional Standards Unit and Court Liaison Unit.

2.06 Civil Liability Unit (Revised 04-2013)

- (1) The Civil Liability unit reports directly to the chief of police of and is responsible for conducting complete and thorough investigations in contemplation of litigation or pursuant to claims and lawsuits.
- (2) The personnel of this unit are responsible for the confidentiality of officers' statements and the security of the files. They are responsible for the necessary notification and processing of information once a lawsuit is commenced and shall cooperate with the City Attorney's Office in all lawsuits wherein any personnel of the police department and the City and County of Denver are named as defendants.
- (3) The personnel of this unit act as agents for the chief of police by responding to the courts on subpoenas duces tecum.
- (4) Court Liaison Unit personnel report to the commanding officer of the civil liability bureau and act as a liaison between the courts and the police department. They are responsible for the issuance of all off-duty court slips. They shall notify the commanding officer of the internal affairs bureau of any officers who are derelict in their court activities.
- (5) Secondary Employment: The Secondary Employment Coordinator reports to the commander of the Civil Liability Unit and is responsible for assuring that secondary employment performed by department members is in accordance with the provisions of operations manual section 114.00.

2.07 Professional Standards Unit (Revised 04-2013)

- (1) The Professional Standards Unit reports directly to the Commander of the Civil Liability Unit and is primarily responsible for administering the Department's early identification and intervention system as outlined in OMS 508.00 Personnel Assessment System.
- (2) Additional duties of the Professional Standards Unit include organizational compliance audits as needed, ensuring the Department's compliance with Mayor's Executive Order 94 (XO94), filing and tracking Memoranda of Understanding, and other duties as assigned by the CRO commander.

2.10 DEPUTY CHIEF OF POLICE - ADMINISTRATION

The Commanders of the Financial Services Bureau, Public Affairs Bureau, Chief's Office of Planning, Research & Support and Administration Support Bureau report directly to the Deputy Chief of Administration.

2.11 Administration Support Bureau

Personnel are responsible for maintaining communications between the divisions and bureaus under the command of the Deputy Chief of Administration; address the needs of the division through special projects and review of daily operations; monitor staffing, officer deployment, equipment needs and disciplinary investigations.

2.12 Financial Services Bureau

The Financial Services Bureau is responsible for the preparation of the departmental budget and for the proper maintenance of the appropriation, as well as for the approval of expenditures and requests for purchases.

2.13 Public Affairs Bureau

- (1) The primary responsibility of the Public Affairs Unit will be to act as a liaison with the media in matters of Department-wide concern. The office functions as the spokesperson of the Department by providing the news media and the community with information on Department operations.
- (2) Personnel assigned to the Public Affairs Unit will:
 - a. Assist media personnel in covering routine news stories.
 - b. Be available for on-call response to the media.
 - c. Prepare and distribute news releases to the media.
 - d. Arrange and assist at news conferences.
 - e. Assist in crisis situations within the department.
 - f. Coordinate and authorize the release of information concerning Departmental investigations and operations.

2.14 Chief's Office of Planning, Research & Support (Revised 04-2013)

- (1) The Chief's Office of Planning, Research & Support's responsibility is to provide quality services to the Chief of Police and the Deputy Chiefs of Police of the Denver Police Department in the areas of planning and special studies and to provide special assistance to district or bureau commanders.
- (2) The Chief's Office of Planning, Research & Support is responsible for:
 - a. Assisting in the preparation of policies and procedures
 - b. The publication of the Operations Manual and all approved revisions
 - c. The Department's Strategic Plan
 - d. The preparation of studies, reports, surveys and specialized maps
 - e. The evaluation of new police methodologies and recently developed products
 - f. The design of all department forms
 - g. The maintenance of various relevant crime statistics and the dissemination of information in response to inquiries from citizens and other agencies
 - h. Responding to correspondence for the Chief of Police and the Deputy Chiefs of Police
 - i. Managing the administration of designated grants and programs

2.20 DEPUTY CHIEF OF POLICE - OPERATIONS

- (1) The Division Chiefs of the Patrol Division, Criminal Investigation Division and Special Operations Division report directly to the Deputy Chief of Operations.

2.21 Operations Support Bureau

- (1) Personnel are responsible for maintaining communications between the divisions under the command of the Deputy Chief of Operations, addressing the needs of the divisions through special projects and review of daily operations; monitoring staffing, officer deployment and disciplinary investigations.
- a. Fugitive/Bomb Unit: This unit investigates complaints and warrants for either felony or misdemeanor offenses pertaining to persons wanted by other jurisdictions, and maintains correspondence pertaining to the transfer or extradition of fugitives. Personnel also actively attempt to arrest known fugitives. This unit also investigates all bombings, bomb threats, burglaries and theft of explosives, and explosions which are not caused by a fire-related incident. Personnel are also responsible for handling the disposal of explosive materials.
 1. Crime Stoppers personnel report to the commander of the Fugitive/Bomb Unit and are responsible for the effective operation and promotion of the Crime Stoppers Program within the City and County of Denver. This involves coordination between the Crime Stoppers Program and the television and newspaper media. Assigned personnel are the designated liaison between citizen informants calling on the Crime Stoppers hotline and the Crime Stoppers awards board.
 2. The Crime Stoppers program encourages citizens to provide law enforcement agencies with information relating to unsolved crimes. Witnesses are given the opportunity to remain anonymous when they call the hotline number with their information. Awards are offered for information which leads to the arrest and indictment of a suspect.

2.30 CRIMINAL INVESTIGATION DIVISION

- (1) The Criminal Investigation Division is commanded by a Division Chief and consists of the C.I.D. Support Bureau, the Crimes Against Persons Bureau, the Pattern Crimes Bureau, the Crime Laboratory Bureau, the Vice/Drug Control Bureau, and the Special Investigations Bureau. Each bureau shall be under the direct control of a Commanding Officer.
- (2) The Criminal Investigation Division has ultimate responsibility in the following general areas:
- a. Continuing criminal investigations begun by the Patrol Division
 - b. Initiating criminal investigations
 - c. Conducting approved criminal investigations when requested by other law enforcement agencies, Federal, State, or local
 - d. Preparing case filings for criminal prosecution
 - e. Identifying and arresting criminal suspects
 - f. Recovering stolen property and contraband
 - g. Collecting, preserving and analyzing evidence as it pertains to criminal investigations

2.31 C.I.D. Support Bureau

- (1) The C.I.D. Support Bureau is part of the Office of the Division Chief of the Criminal Investigation Bureau. Assigned personnel assist the Division Chief in the following areas:
- a. Manage the Criminal Investigation Division fleet, confidential informant files, undercover license plates and driver's licenses, staffing, training and investigative travel, the updating and creation of Division policy, directives, procedures and training bulletins and the coordination of the Metro area Crime Stoppers program.

- b. Conduct research and special projects for the Division Chief concerning crime patterns, case handling procedures, detective performance reports, case management analysis and analysis of bureau case loads. Complete reports concerning the status and direction of the Criminal Investigation Division.
- c. Provide guidance to the Division Chief in space, equipment, and personnel management.

2.32 Crimes Against Persons Bureau

- (1) The Crimes Against Persons Bureau consists of the Major Crimes Section, Assault/Domestic Violence Section, Sex Crimes Sections and Victim Assistance Unit.
- (2) Major Crime Section
 - a. Homicide Unit. Personnel investigate the intentional, unintentional, justifiable, and unlawful killing of human beings, suicides and attempt suicides, officer-involved critical incidents, industrial/accidental deaths—except traffic fatalities, suspicious hospital deaths or other suspicious deaths occurring while in a doctors' care, known and unknown dead cases, murder for hire, and any other investigation where the expertise of the Homicide Unit personnel will benefit the police mission.
 - b. Cold Case Unit Personnel evaluate and investigate unresolved homicide and sex crimes cases—having an indeterminate sentence that remain unresolved for 1 year or more. Cold Case Unit personnel maintain the Cold Case Web Site of the Denver Police Department.
 - c. Polygraph Unit. Personnel provide polygraphist services to investigative personnel and assist with pre-employment testing for prospective police employees and volunteers.
 - d. Night Shift Unit. Personnel investigate suicides, attempt suicides, industrial/accidental deaths—accept traffic fatalities, suspicious deaths, known and unknown dead cases and provide investigative support, in general investigative capacity, for members of the department seeking advice or investigative response during overnight hours. Personnel assist other investigative units by triaging and processing crime scenes, and ensuring adequate investigative response to criminal incidents that are under the responsibility and purview of the Crimes Against Persons Bureau.
- (3) Assault/Domestic Violence Section
 - a. Assault Unit. Personnel investigate cases of attempt or actual bodily harm, telephone harassment, kidnapping, hostage, barricade incidents and menacing.
 - b. Domestic Violence Unit. Personnel investigate domestic violence incidents such as assault, kidnapping, threats, telephone harassment, restraining order violations, menacing and stalking, which have been initiated by offense reports and required in section 104.50
- (4) Special Victim's Section
 - a. Sex Crimes Unit. Personnel investigate all sex-related crimes involving non-position of trust victim(s)/suspect(s), all Burglary/Sexual Assault cases, all Kidnapping or Attempted Kidnapping cases involving juvenile victim(s), all stranger-to-stranger sexually motivated child abductions, all Child Enticement cases, Police Impersonation cases and harassment cases which are sexual in nature.
 - b. Missing and Exploited Persons Unit (MEP Unit). Personnel investigate neglected and/or abused children, child deaths, in cooperation with the Homicide Unit., sexual assaults to children when the suspect is in a Position of Trust, or if the suspect is a family member, Child Pornography as it pertains to the possession, distribution, and/or manufacturing of photographs, reported runaways, missing persons, kidnappings where the victim is still missing and any investigation where the expertise of the MEP Unit will be useful.
- (5) Victim Assistance Unit. Personnel provide 24 hour on-scene crisis response involving all crimes investigated by the Denver Police Department as well as incidents of non-criminal, stark misfortune (i.e. natural death, suicide, traffic fatality, child death, man-made or natural disaster, etc) that results in a response from the Denver Police Department. They also provide assistance, support and referrals to crime victims and their families, and liaison between the police department, community organizations and victims.

2.33 Pattern Crimes Bureau

- (1) The Pattern Crimes Bureau consists of the Robbery Unit, Safe Streets Task Force, Fraud Unit, Pawnshop/Bicycle Unit, Compliance Unit, Innocent Images Unit, Bomb Unit, Crisis negotiation Team and the Mass Arrest team.
- (2) Robbery Unit. Personnel investigate the taking of anything of value from a person by force, extortion, threats or intimidation and weapons violations by juveniles.
- (3) Safe Streets Task Force. Personnel investigate crimes of violence as well as an intensified focus on the apprehension of dangerous fugitives. The Safe Streets Task Force utilizes the effectiveness of Federal/State/Local law enforcement resources through a well coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.
- (4) Fraud Unit. This unit is responsible for the investigation and case filing in most complaints related to checks, financial transaction devices (credit cards), forgeries and frauds.
- (5) Pawnshop/Bicycle Unit. Personnel of this unit inspect and investigate licensed pawnshops, second hand stores, metal recyclers and junk wagons. They investigate cases involving the Denver Boot, salvageable metal thefts and violations of the Pawn Broker's Act. They retrieve all pawn tickets daily and recover stolen property. They are also responsible recovering and storing stolen and abandoned bicycles and filing cases, when necessary. They also assist in the identification and sale of unclaimed bicycles.
- (6) Compliance Unit
 - a. Sex Offender Registration Unit. Unit Personnel use all reasonable means to investigate and assist in any investigation of noncompliant sex offenders including locating noncompliant and absconded sex offenders, assist convicted sex offenders to maintain compliance, educate the public about personal safety precautions, and train designated law enforcement on registration, notification, verification, and community education procedures.
 - b. Concealed Weapons Permits. Unit personnel are responsible for the processing and issuance of concealed weapon permit applications under Colorado Revised Statute 18-12-205, including the forwarding of applications to the Colorado Bureau of Investigation and the office of the Manager of Safety. Unit personnel are also responsible for revoked and suspended permits. The concealed weapons permit unit is also responsible for the issuance of permits to retired law enforcement personnel under the 2004 Law Enforcement Officers Safety Act. Unit personnel are responsible for the processing, background investigations, and issuance of these permits.
- (7) Innocent Images Unit. The Innocent Images Task Force is a collaboration of the Denver Police Department and the Denver Division of the FBI. The Task Force is responsible for the investigation and prosecution of cases involving the possession, distribution and transportation of child pornography by means of the Internet or electronic communications that violate federal statutes.
- (8) Bomb Unit. Personnel conduct and document investigations on all bomb threats, explosive related incidents or post-blast crime scenes. They render safe and/or remove suspected improvised explosive devices, incendiary devices, explosives, or explosive chemicals. Bomb Technicians also prepare and present explosive related training programs
- (9) Crisis Negotiation Team. This team is comprised of Criminal Investigation Division detectives who are responsible for responding to barricade and hostage situations. Once on scene, they manage the negotiation and work in conjunction with the Patrol Division and the Metro SWAT Bureau to preserve life.
- (10) Mass Arrest Team. In the event that mass arrests for non-violent minor offenses appear imminent, (MAP) teams shall be utilized to quickly respond city wide to a location of mass arrests with personnel and equipment.

2.34 Crime Laboratory Bureau

- (1) The Crime Laboratory Bureau consists of the Crime Scene and Forensic Science Sections. Personnel assigned to the Crime Laboratory Bureau are responsible for the examination of evidence and providing expert testimony in court cases.

(2) Crime Scene Investigation Section:

- a. Crime Scene Unit: Officers in this unit specialize in crime scene response, providing services in the area of collection and preservation of evidence, as well as the identification of latent prints, firearms, tool marks, and body fluids for DNA analysis. Crime scenes are documented using photographic and video technologies.
- b. Crime Scene Volunteer Unit: Personnel in this unit are unpaid trained volunteers who respond to Theft from Motor Vehicle crime scenes in order to collect latent prints and body fluids for testing by the laboratory. The volunteers document crime scenes using photography.

(3) Forensic Science Section

- a. Firearms Unit: Forensic Scientists within this unit examine firearms to ensure that they function properly, test-fire firearms for bullet and cartridge case recovery, and compare evidence bullets and cartridge cases to determine a match to a specific firearm. Additionally, personnel conduct serial number restorations, physical matches (firearms and tools), and gun powder pattern testing. The Firearms Unit also enters digitally captured images of fired cartridge cases through the use of specialized equipment known as the Integrated Ballistics Identification System (IBIS) in the National Integrated Ballistics Information Network (NIBIN).
- b. Forensic Biology/DNA Unit: Scientists analyze evidence for the presence of body fluids and extract Deoxyribonucleic Acid (DNA) for identification purposes. Personnel compare known samples collected from victims and suspects to evidence, and routinely upload unknown DNA profiles into the Combined DNA Index System (CODIS) database.
- c. Forensic Chemistry: Analyses performed by forensic scientists in this unit include identifying suspected drugs, narcotics, and controlled substances; fire debris; and human blood for the presence and quantitation of alcohol. The forensic scientists also support "Clandestine Lab" investigations to ensure safety and offer technical advice to investigators.
- d. Forensic Imaging Unit: Personnel archive, authenticate, secure, retrieve, and enhance digital image files taken by crime laboratory personnel, as well as other bureaus and divisions within the police department, to assist in criminal investigations. Additionally, personnel respond to crime scenes to locate, retrieve, and protect video evidence. Personnel also provide approved specialized photography upon request.
- e. Latent Fingerprint Unit: Members of this unit process evidence in the laboratory for the development of latent prints (including finger, palm, shoe, tire, and tread prints) utilizing powder and chemicals. Once developed and preserved utilizing tape lifts or photography, personnel conduct friction ridge analysis in order to compare unknown prints to known (exemplar) prints. Additionally, personnel upload finger and palm prints into Automated Fingerprint Index System, AFIX (palm print database), and Integrated Automated Fingerprint Identification System-IAFIS.
- f. Quality Assurance Unit: Personnel in this unit maintain the laboratory's International Organization of Standards (ISO) requirements. In accordance with established forensic standards, the QA Unit ensures excellence of the sciences completed by each forensic unit according to national and international standards. Additionally, the unit maintains all records relating to the crime laboratory.
- g. Trace Evidence Unit: Forensic scientists conduct comparative analysis of organic and inorganic substances, such as hair, fibers, soil, tape, and botanicals. Additionally, the unit examines substances using microscope technology to identify gun shot residue, explosive materials, paint, glass, construction, and other unknown materials.

2.35 Vice/Drug Control Bureau

- (1) The Vice/Drug Control Bureau consists of the Street Enforcement Section and the Task Force Operations Section. In addition, the Bureau manages and accounts for all investigative funds and expenditures related to their operation, and provides audits and financial reports to the Division Chief of Investigations.

(2) Street Enforcement Section

- a. Vice Enforcement Unit. Assigned investigators specialize in street enforcement of crimes related to prostitution, gambling, liquor licensed establishments, and licensed medical marijuana dispensaries.

1. Excise and License Unit. Investigators are assigned to this unit to assist civilian investigators in conducting background investigations for all City and County license applicants. They also investigate and inspect current licenses to see that they comply with City and County Ordinances and State Statutes.
- b. Street Narcotics Enforcement Unit. Assigned investigators specialize in narcotic enforcement directed at street level drug trafficking.

1. DEA Task Forces. VDCB Personnel assigned to DEA state and local task forces are also responsible to coordinate street level investigations with the Drug Enforcement Administration for interdiction, financial crimes and prescription drug diversion.

- (3) Task Force Operations Section. This section is comprised of three multi-agency task forces, staffed by local, state, and federal law enforcement officers. These task forces are commanded by a Denver Police Lieutenant.

- a. Front Range Task Force. This task force is responsible for the investigation of middle to high-level drug traffickers in the Denver Metropolitan area.
- b. Metro Gang Task Force.
- c. DEA Task Forces. VDCB personnel assigned to DEA state and local task forces are responsible for coordinating investigations with the Drug Enforcement Administration for interdiction, financial crimes and prescription drug diversion.

2.36 Special Investigations Bureau

- (1) The Special Investigations Bureau is comprised of the Complex Investigations Section and the Strategic Services Section. The Bureau has a variety of specialized and undercover units, and can be quickly assembled to support the other bureaus in the Division with major investigations. In addition, the Bureau manages and accounts for all investigative funds and expenditures related to their operation, and provides audits and financial reports to the Division Chief of Investigations.
- (2) The Complex Investigations Section
 - a. Fugitive Location and Apprehension Group (F.L.A.G.). This is a multi-agency task force whose mission is to find and arrest fugitives that are sought by the participating agencies. F.L.A.G. will also attempt to locate fugitives sought by other jurisdictions who are believed to be in the Denver metro area.
 - b. Fugitive Unit. Responsible for apprehending fugitives wanted by the Denver Police Department and those wanted by other agencies who are believed to be in the City and County of Denver.
 - c. Complex Investigations Unit (CIU). Responsible for specialized investigations as designated by the Bureau commander.
 - d. Internet Predator Unit. Investigates cases of internet luring and child pornography.
 - e. ATF Gun Task Force. Multi-agency federal task force that targets illegal weapons activity.
- (3) The Strategic Services Section
 - a. Intelligence Unit. Responsible for criminal intelligence activities, dignitary protection and other specialized investigations.
 - b. Technology and Electronics Unit. Provides support to this Bureau and the Division with specialized electronic equipment and investigative needs; also provides support to the Crisis Negotiation Team.
 - c. High Activity Low Observation Unit. Responsible for the staffing, maintenance and operation of the Department's overt camera system.
 - d. School Violence Unit. Coordinates department activities and investigations between various CID investigative units and the Denver Public School District.
 - e. Joint Terrorism Task Force.

2.40 PATROL DIVISION

- (1) The Patrol Division is commanded by a Division Chief and consists of six uniform patrol districts, the Patrol Support Bureau, the METRO/SWAT Bureau and the Gang Bureau.
- (2) Uniform Patrol Districts
 - a. The City of Denver shall be divided into six districts. Each district shall have its own District Commander responsible to the Division Chief of Patrol for the effective and efficient operation of his command and the prompt and efficient discharge of his duties and responsibilities.
 - b. The personnel complement in each district is divided into shifts to provide 24 hour service.
 - c. The Downtown Motorcycle Unit, assigned to District Six, is responsible for patrolling the 16th Street Mall, providing rapid police response and maximum police visibility.
 - d. Community Resource Officers: Officers assigned to each district station encourage citizens to seek out police expertise in matters of mutual concern, including such areas as crime prevention, Operation Identification, Neighborhood Watch and Nuisance Abatement.
 - e. Neighborhood Police Units are assigned to each patrol district. Neighborhood Police Officers assigned to these units are empowered by the Denver Police Department as problem solvers. They are responsive to the needs of the neighborhood residents. Each Neighborhood Police Officer is responsible for identifying problems in their respective areas and developing a plan to solve them. Neighborhood Police Officers coordinate resources inside and outside the department to comprehensively address neighborhood concerns.
 - f. Mounted Patrol: Assigned to District Six personnel are responsible for patrolling the 16th Street Mall District, the park areas adjacent to the City and County Building, and other city parks when so directed. They are further responsible for assisting with crowd control at special events and will assume other assignments and responsibilities as deemed necessary by the Division Chief of Patrol.
 - g. School Resource Officers: School Resource Officers are assigned to most police districts. Their function is to provide support services to youth and educational organizations through the presentation of lectures, officer involvement within the educational system, consultations, use of police authority when appropriate, and a wide range of public relations efforts.
 - h. High School Resource Officers: High School Resource Officers are assigned to each of the high schools in the Denver Public School system to act as a law enforcement liaison / consultant / representative with students, faculty, school staff, administration, parents and the school community.
- (3) Air Support Unit. The commanding officer of this unit shall report to the Division Chief of Patrol and shall coordinate both rotorcraft and airplane wing support for all activities involving the Department. The responsibility of this unit is to provide aerial patrol, observation and other necessary aviation support for all activities of the Department.
- (4) Police Reserve Unit
 - a. The primary purpose of the Denver Police Reserve Unit is to assist the police department in completing the police mission and to augment the field strength of the department.
 - b. Reserve Police Officers are commissioned by the Manager of Safety as Special Officers to serve at the pleasure of the Chief of Police, without pay, and are authorized to carry firearms when acting in their official capacity as Reserve Officers on authorized assignments or in accordance with their CCW Permit issued by the Chief of Police.
 - c. Reserve Officers will be assigned and function in accordance with CRS. 18-1-901(3) (1), which reads in part:

(IV.5)(A) "Peace officer, Level IIIa," means any person authorized by any city, city and county, town, or county within this state to act as a reserve police officer, reserve deputy sheriff, or reserve marshal for certain specific and limited periods of time while such person is authorized to be on duty and acting at the express direction or under the direct supervision of a peace officer, level I or a sheriff. Peace officer, Level IIIa," has the authority to enforce all the laws of the State of Colorado, while actually on duty for the city, city and county, town, or county and while acting within the scope of his or her duties subject to the restrictions and requirements provided in this subparagraph (IV.5) and subparagraph (IV.7) of this paragraph (1).

(IV.7)(A) "Direct Supervision" means an assignment given by a peace officer, level I, or a sheriff to a peace officer, level IIIa, which assignment is carried out in the personal presence of, or in direct radio or telephone contact with, and under the immediate control of the peace officer, level I, or sheriff. The peace officer, level IIIa, must be in uniform while such assignment is carried out, except when performing extradition or surveillance duties as otherwise provided in subparagraph (IV.5) and subparagraph (IV.7) of this paragraph (1).

(IV.7)(B) "Express Direction" means a defined task-specific assignment given by a peace officer, level I, or a sheriff to a peace officer, level IIIa. The peace officer, level IIIa must be in uniform while such assignment is carried out, except when performing extradition or surveillance duties as otherwise provided in subparagraph (IV.5) of this paragraph (1).

- d. Substandard performance or violation of rules and regulations may result in immediate dismissal from the reserve force.
- e. Reserve Officers are subject to specific restrictions and requirements of the department and the orders and direction of full time regular Denver Police Officers.
- f. Reserve Officers will be trained in excess of the minimum standards required by Colorado P.O.S.T.
- g. Reserve Officers are ranked by "levels," based on their experience, training and time in service. Designating levels allows all supervisors and commanders immediate access to the limitations of any Reserve Officer who is assigned to their districts or bureaus.
- h. Special Events assignments such as Parades, Motorcades, etc., are suitable for any level of Reserve Officer to work in a solo capacity on a static assignment during the event. The primary focus will be on Traffic Direction and Crowd Control, not calls for service. Any patrol function assigned during an event will be based on individual Reserve Officer levels.
 - 1. Assignment of Reserve Officers at any level can not be used to meet minimum staffing levels. Reserve Officers can be used to supplement staffing, but not to supplant it.
 - 2. Levels of Reserve will be noted on the "Rank Line," on the departmentally issued Identification Card. They will be noted as:
Reserve Officer -3
Reserve Officer - 2 (8 County CCW on reverse)
Reserve Officer - 1 (8 County CCW on reverse)
 - 3. Reserve Officers CCW Permits are only valid in the eight county metro area. These counties are Denver, Arapahoe, Adams, Boulder, Broomfield, Jefferson, Douglas, and Elbert.
 - 4. To assist in evaluating future recommendations for level advancement and considerations for hiring, District or Bureau supervisors should note on Inter-Departmental, DPD 200, any exemplary or below standard performance on the part of Reserve Officers assigned to their unit and forward those records to the **Reserve Unit/Patrol Division**, where they will be placed in the officers permanent file and used for future evaluations.
 - 5. Advancement through the various positions will be based on exemplary performance as documented by supervisors.
 - a. Reserve Officer, Level 1:
 - 1. This is the most senior level and includes Reserve Officers who have exceeded four years of service and have performed in an exemplary manner, as documented by their supervisor.
 - 2. Upon reaching the required time in service, Level 2 officers who have performed duties in an exemplary manner and obtained the recommendation of the District Supervisor, The Reserve Unit Staff and the approval of the Division Chief of Patrol, may be advanced to Level 1.
 - 3. These officers will have a minimum of 1542 hours of training and experience upon reaching this level.

4. Level 1 Reserve Officers are allowed to work in any uniform capacity. They may be assigned with a regular officer, a two-Reserve Officers car or as a solo assignment.
5. Any type of call may be assigned to this level Reserve Officer.
- b. Reserve Officer Level 2:
 1. Two years of service. (Years three and four in reserve Program.)
 2. Upon reaching the required time in service and having demonstrated exemplary performance in Level 3; Reserve Officers shall be eligible for advancement to Level 2.
 - a. Advancement to Level 2 requires recommendation from the District Supervisor, the Reserve Unit Staff and the approval of the Division Chief of Patrol.
 3. These officers shall have a minimum of 950 hours of training and experience upon reaching this level.
 4. Level 2 Reserve Officers may be allowed to work with a regular officer or be assigned, Two Reserve Officers to a car, to fill special needs at the district or bureau level.
 5. Level 2 Reserve Officers may be issued a Concealed Weapons permit (Limited to the eight County metro area) with the recommendation of the Reserve Officer's Chain of Command, approval from the Chief of Police and upon completing the Concealed Carry Off-duty Firearms Course at the Firearms Training Bureau. Reserve CCW permits would be issued for their safety only. Reserve Officers have no police authority while off-duty and may use the firearm only for personal protection as any other citizen with a Concealed Carry permit.
 6. Any type of call may be assigned to this level Reserve Officer.
- c. Reserve Officer, Level 3
 1. Twenty-four months of service including the initial probationary period for Reserve Officers, Reserve Academy Training (5 months), the Field Training Program (3 months) and the next sixteen months of service.
 2. Level 3 Reserve Officers shall be allowed to work only as the second officer in a unit, under the direct supervision of a full-time officer.
 3. This level will accumulate a minimum of 950 hours of experience.
 4. No restrictions will be placed on the types of calls that this level Reserve Officer may be assigned while supervised by a full-time officer.

2.41 Patrol Support Bureau

- (1) The Patrol Support Bureau is responsible for maintaining uniformity within the Patrol Division through communication, inspection, and the review of daily operations. Personnel assigned to the bureau are responsible for handling correspondence, assisting in establishing Division procedures and handling other administrative duties as directed by the Division Chief.

2.42 Gang Bureau

- (1) The Gang Bureau is responsible for enforcement activities and follow-up investigations in the area of gang activities. Inclusive in this is the collection and interpretation of intelligence information concerning gangs, gang members, and gang related crimes in the metro area.
- (2) The Gang Bureau also provides an education and information service for law enforcement and other related organizations.
- (3) The Gang Bureau personnel are responsible for the strict enforcement of all Federal, State and City laws pertaining to criminal conduct among the gang element.

2.43 METRO/SWAT Bureau

- (1) The METRO/SWAT Bureau is composed of the SWAT Section and the Canine Unit.
- (2) The responsibility of the bureau is to provide crime suppression and special operations beyond the resources of a patrol district.
- (3) Swat Section: This Section is composed of officers specifically trained in special weapons and tactics to handle barricaded persons, with or without hostages; civil disorders; VIP security; and service of all high risk warrants. At the direction of the Division Chief of Patrol, they may be assigned to saturation patrol and other special assignments.
- (4) Canine Unit: The primary purpose of this Section is to assist in searches, crowd control, tracking, explosive and narcotic detection, security at scenes of major crimes or disasters and to perform regular patrol duties or other special assignments as directed.

2.44 Nuisance Abatement Unit

- (1) The function of the Nuisance Abatement Unit is to coordinate, oversee and implement ordinances relating to nuisance abatement. Personnel focus the enforcement tasks of a variety of city agencies, including the police, at target locations to include real property and vehicles. Defined public nuisance violations include, but are not limited to, such activities as prostitution; professional gambling; possession, sale or distribution of controlled substances; theft by receiving; abandoned/neglected buildings; certain firearms violations; and gang related activity.

2.45 District Four Criminal Investigations

- (1) Detectives assigned to this unit investigate burglary, auto thefts, theft, assault and criminal mischief complaints that have occurred in District Four.
- (2) This unit is under the command of the district captain, but work closely with the investigators assigned at other district commands and at headquarters.

2.50 SPECIAL OPERATIONS DIVISION

- (1) The Special Operations Division is commanded by a Division Chief and consists of the Special Operations Support Bureau, the Traffic Investigation Bureau, the Traffic Operations Bureau, Juvenile Bureau, the Denver International Airport Police Bureau, and The Executive Security Unit.
- (2) The principal duties of Division personnel are:
 - a. Management of vehicular and pedestrian traffic throughout the city, including the comprehensive enforcement of traffic regulations.
 - b. Investigation of traffic accidents and traffic-related crimes and incidents.
 - c. Supervision of special events, including V.I.P. escorts.
 - d. Regulation of the transportation of hazardous materials, hazardous material carriers and other commercial carriers.
 - e. Assist officers of the Patrol Division in the prevention of criminal activity and the enforcement of laws and ordinances pertaining to the preservation of peace and the protection of life and property.
 - f. Conduct special activities and operations outside the scope or resources of other Divisions, Districts and Bureaus.
 - g. Processing of juveniles arrested for misdemeanors, felonies or outstanding warrants.
 - h. Management of security for the Police Administration Building.
 - i. Providing security for the Mayor.

2.51 Special Operations Support Bureau

- (1) The Special Operations Support Bureau assists the Division Chief in the administration of the Special Operations Division. Personnel are responsible for conducting staff studies, preparing necessary reports and correspondence and coordinating particular division activities, projects and special programs.

2.52 Traffic Investigations Bureau

- (1) Personnel assigned are responsible for conducting investigations pertaining to fatal and serious injury traffic accidents, hit-and-run accidents, police fleet accidents, police chases, incomplete accident reports, and other traffic related matters requiring a follow-up inquiry.
- (2) Personnel obtain warrants and file appropriate felony and misdemeanor charges resulting from the follow-up investigation.
- (3) Personnel are also responsible for the processing, supervising and filing of Driving Under the Influence cases. It is the responsibility of personnel to perform the necessary equipment testing and provide expert testimony in court on the operation of the Intoxilyzer and to maintain records pertaining to Driving Under the Influence arrests.

2.53 Traffic Operations Bureau

- (1) The Traffic Operations Bureau is responsible for the enforcement of traffic laws on streets and highways within the city, the investigation of hazardous materials incidents and the management of special events within the city which require specialized traffic control.
- (2) Special Events Unit: The Special Events Unit is responsible for planning and coordinating all special events, parades, presidential or V.I.P. appearances and other events where vehicular and pedestrian traffic management requires police assistance.
- (3) Traffic Service Section
 - a. Traffic Service Units: Officers are assigned to uniform patrol districts and are responsible for investigating traffic accidents; comprehensive enforcement of traffic laws and regulations and providing specialized and general police traffic services.
 - b. The Highway/Hazardous Materials Unit is responsible for traffic law enforcement, accident investigation and the maintenance of an orderly flow of traffic on the freeways within the city. Personnel are also responsible for inspecting hazardous material carriers and for enforcing statutes, ordinances and rules and regulations pertaining to the transportation of hazardous materials.
 - c. The Selective Enforcement Unit is responsible for identifying locations in the city with high accident rates and for instituting enforcement programs at those locations to reduce the accident rate. Additional specialized enforcement duties can be assigned by the commander of the Traffic Operations Bureau.
- (4) DUI/DRE Enforcement Unit: The primary responsibility of officers assigned is the detection, apprehension and processing of drivers impaired or under the influence of alcohol and/or drugs.
- (5) Neighborhood Enforcement Team: The primary responsibility of these officers is to respond to neighborhood traffic complaints and problems. The officers will actively participate with the neighborhood groups, patrol district personnel, city council, other city agencies and schools in their assigned area.
 - a. Traffic Safety Unit: Personnel provide educational support to the community on traffic and bicycle safety issues, maintain a resource file of current traffic safety information and assist School Resource Officers in the area of Traffic Safety Education.

2.54 Denver International Airport Police Bureau

- (1) Officers assigned to Denver International Airport are responsible for airport security, including the enforcement of regulations, ordinances, state and federal laws. They coordinate their activities with airport officials and appropriate federal agencies, such as the FAA and the FBI.

- (2) Airport Canine Explosives Detection Unit: The unit is responsible for explosive detection in the main terminal, concourses, luggage and freight areas, aircraft, aircraft hangars and vehicles on airport property. The unit is normally available to assist with explosive detection off airport property when requested. The unit will perform other duties and special assignments as determined by security requirements at D.I.A.
- (3) Motorcycle Enforcement Unit: The primary function of assigned personnel is the enforcement of traffic rules and regulations on Pena Boulevard and on property belonging to Denver International Airport. In addition, officers are responsible for dignitary escorts and other special assignments on Airport property.
- (4) Investigations Unit: Detectives are assigned to conduct criminal investigations, prepare case filings, identify and arrest suspects, and recover stolen property pertaining to crimes committed at DIA.
- (5) Community Resource Officer. The officer assigned to DIA works with airport employees and businesses to address problems such as crime prevention, traffic patterns and workplace disputes.

2.55 Juvenile Bureau

- (1) Officers assigned to Juvenile Intake are responsible for processing juveniles arrested for misdemeanors, felonies and outstanding warrants.
- (2) Officers assigned to the Information Desk provide building security as well as assistance to citizens responding to the police administration building.

2.56 Executive Security Unit

- (1) The responsibilities of the unit include providing executive security to the mayor, the mayor's residence and the office of the mayor; traveling with or making security arrangements for the mayor during travel out of the city; and reporting any criminal acts directed toward the mayor or the office of the mayor.

2.60 TECHNOLOGY AND SUPPORT DIVISION

- (1) The Technology and Support Division is commanded by a Division Chief and consists of the Support Services Bureau, the Training Bureau, the Identification & Records Bureau, the Computer Help Information & Planning Bureau, the Communications Bureau, and the Electronics/Engineering Bureau.
- (2) The Division Chief of the Technology and Support Division also serves on the Executive Steering Committee of the Department of Safety Information Systems. The Division Chief represents the police department in policy matters and administers police resources committed to that group.
- (3) Specific areas of responsibility of the Division include:
 - a. Providing, operating, maintaining and repairing all necessary radio communication equipment.
 - b. The maintenance and safekeeping of report records, all identification processes, and criminal records, for daily, monthly, and annual reports, and the analyses and interpretation of data extracted there from.
 - c. The maintenance of the police fleet, police facilities and telephone equipment.
 - d. General maintenance, remodeling and emergency repairs to all police facilities; telephone equipment acquisition, assignment and repair.

2.61 Support Services Bureau Staff

- (1) Fleet Management Section: The Fleet Management Section is responsible for the general administration of departmental business relating to vehicular equipment: repairing, maintaining, servicing and assigning such equipment; determining vehicle needs, requisitioning vehicles, conducting equipment testing programs and establishing specifications for new vehicles. The bureau consists of the Car Pool Unit, the Police Garage and the Service Center.
- (2) Inventory Control Unit: The Unit is responsible for the maintenance of an inventory control system to include all City owned property in the custody of the Denver Police Department, as set forth under rules and regulations established by the Office of the Auditor, pursuant to Executive Orders 24 and 47.

- (3) The O.S.I. Representative works in O.S.I. under the Director of O.S.I., providing technical advice to the Police Department's representative to the Computer Steering Committee, acting as a liaison between the Police Department and O.S.I. to ensure the Police Department's needs are being met.
- (4) Police Activities League: The P.A.L. is staffed by a police officer director and two other police officers, one of whom serves as the explorer scout coordinator. The P.A.L. has a board of trustees comprised of both police officers and concerned Denver citizens. The concept of P.A.L. is to involve people in organized wholesome activities and to decrease and prevent juvenile delinquency. P.A.L. also guides young people toward responsible and mature citizenship and promotes police/youth relationships in the community.

2.62 Training Bureau

- (1) The Training Bureau consists of the Academy Section, the Video/In-Service Section and the Firearms Section.
- (2) The Academy Section is responsible for organizing and promoting training programs, drafting, processing and distributing training materials. In addition, the Section is responsible for organizing and coordinating recruit training, advanced in-service training, institutes, seminars and training programs of a specialized nature.
- (3) The Video/In-Service Section is responsible for the professionalization of the Denver Police Department through education and training. It is also responsible for the storage and maintenance of movie films, video tapes, film strips, slides and equipment used for instructional and informational purposes, regardless of subject.
- (4) The Firearms Section is responsible for the supervision of the department's firearm training program, the maintenance of records of firearms scores for all members of this Department (including quarterly qualifications of all heavy weapons, shotguns, and urban rifles), and the repairs and maintenance of all weapons owned by the Department (except for all weapons used by the Metro/SWAT Bureau, who will utilize their certified armorers for repairs and maintenance).

2.63 Property Bureau

- (1) The Property Bureau is responsible for the custody of personal property, found property and property held as evidence or contraband.

2.64 Identification/Records Bureau

- (1) The Identification Section is responsible for generating and maintaining criminal history records, fingerprints and photographs for this Department. Additionally, personnel are responsible for making positive ID of arrestees, supplying the public, criminal justice agencies and DPD officers with the criminal records they are allowed to legally access.
 - a. NCIC/CCIC Unit. Assigned personnel are responsible for all entries, modifications and cancellations of warrants, the maintenance of the central warrant file, and the operation of the NLETS Communication system for the Department. The unit is also the Department's direct link with the Denver Court DCIC system.
- (2) Records Section
 - a. The Records Section is responsible for the proper processing and retention of original documents related to incidents officially reported to the Police Department. Offense Reports, Traffic Accident Reports and other reports related to services provided by the Police Department are filed in this Section.
 - b. The Pawnshop Records Unit is located within the Records Section. Pawnshop records are maintained on all items received by pawn shop dealers and second-hand stores in the City and County of Denver; stolen items from Offense Reports; the wanted files on lost or stolen property; all firearm sales; and persons who buy or sell valuable articles, such as precious or semiprecious metals or stones.
- (3) Data Entry Section. Personnel do computer data entry for adult and juvenile arrests, Offense and Accident Reports, for Supplementary Reports submitted by detectives, and Field Contact Cards.

- (4) CCIC Coordinator. The CCIC Coordinator serves as the formal liaison between the Denver Police Department and the Colorado Bureau of Investigation regarding NCIC/CCIC operations and serves on the Board of Working Advisors. The CCIC Coordinator is responsible for setting policy and procedure for NCIC operators. The CCIC Coordinator receives Declarations of Understanding from CCIC trainers and maintains copies of the Declarations.
 - a. CCIC Trainers. CCIC Trainers are responsible for testing sworn and CSA personnel. CCIC trainers are also available at the district, bureau or section level to answer questions relating to CCIC functions and should have a strong understanding of the system.

2.65 Computer Help and Information Planning Bureau

- (1) The Computer Help and Information Planning Bureau is responsible for establishing and maintaining a long-term Personal Computer Management Plan for the Denver Police Department. This shall include:
 - a. The review of all requests for hardware and software while evaluating needs based on the plan;
 - b. Coordinating the acquisition and deployment of all PC hardware and software with the Inventory Control Unit;
 - c. Installation and maintenance of all PC based systems;
 - d. Evaluation, design, and acquisition of custom software applications;
 - e. The design, implementation, and support of area networks as established by the plan;
 - f. Providing department-wide technical support for all PC based systems;
 - g. Upgrading existing systems to remain compliant with the plan;
 - h. Coordinating a PC based training program with the Police Training Bureau.

2.66 Communications Bureau

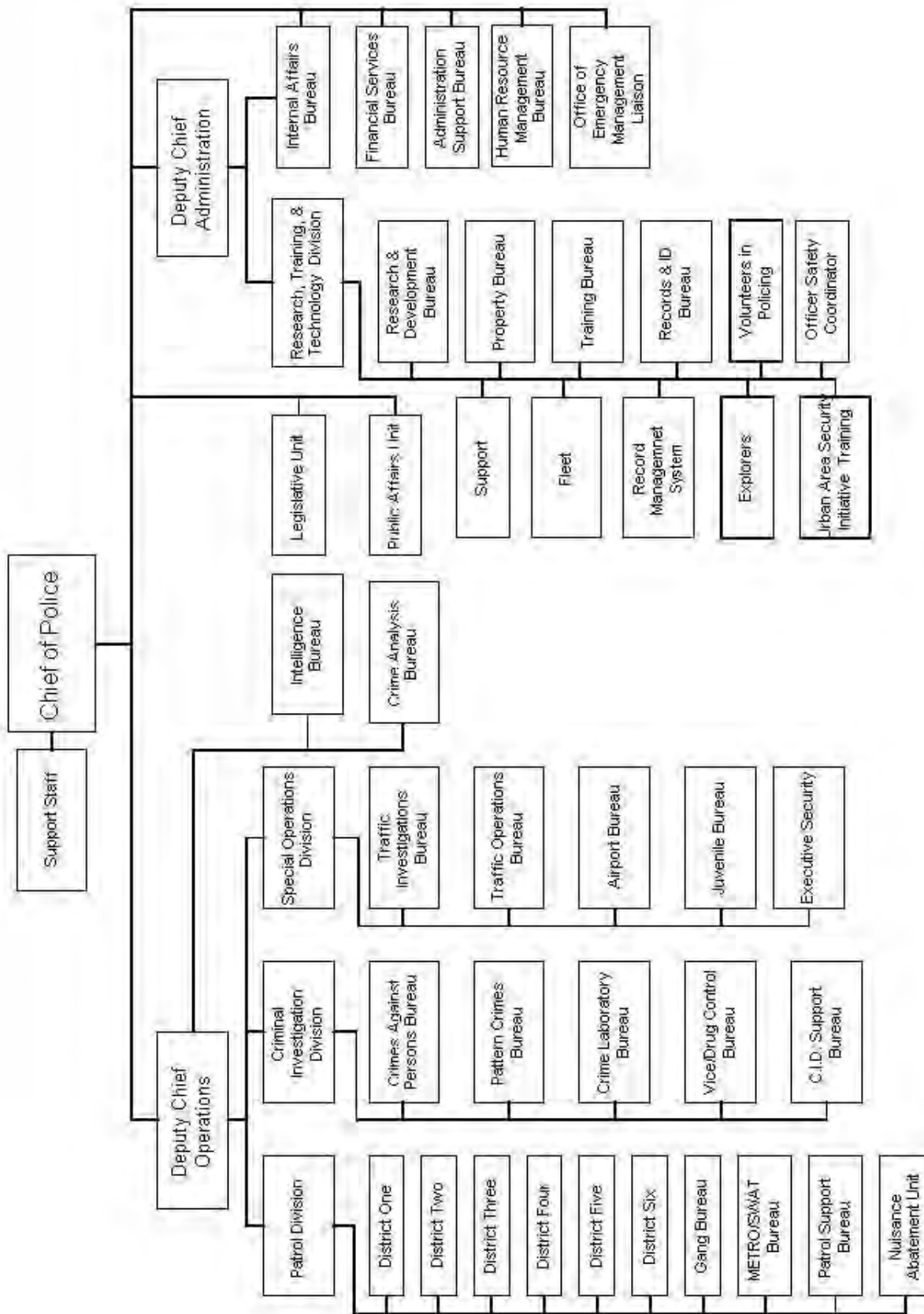
- (1) The Communications Bureau is the radio and complaint unit of the department. Requests for police service are processed by dispatching police personnel according to established procedures. Three-way radio communication is provided for all department personnel.

2.67 Electronics/Engineering Bureau

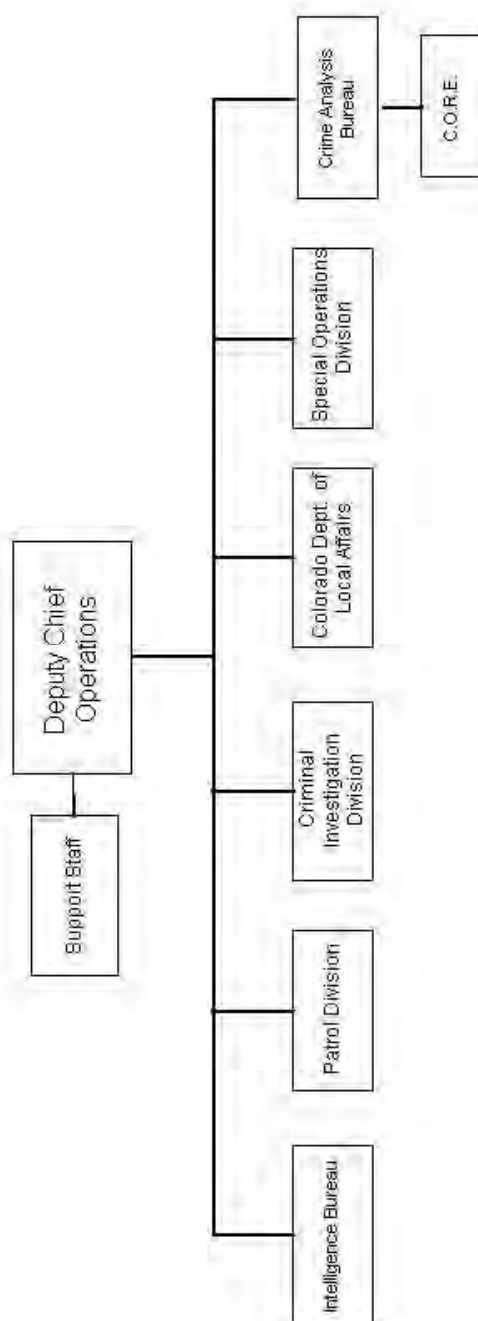
- (1) The Bureau shall be composed of a Superintendent of Radio Engineers and such radio engineers and other personnel as necessary, all of whom shall hold such licenses as required by the Federal Communications Commission.
- (2) The Bureau operates the radio repair shop and is responsible for the installation, repair and maintenance of all radio transmitting and receiving equipment, assuring that police radio operations conform to the rules and regulations of the Federal Communications Commission.

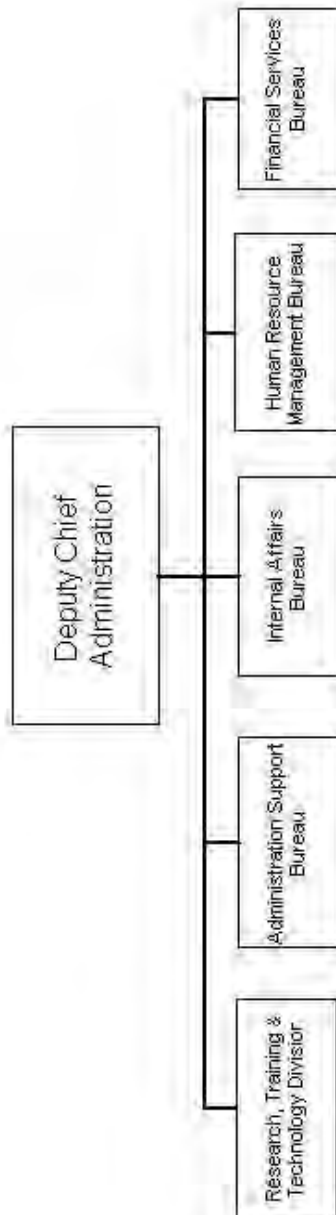
2.68 Supply Section

- (1) The Uniform Supply Unit is responsible for the requisition, storage and allocation of issued uniforms and equipment to department personnel.
- (2) The Stationery Supply Unit is responsible for the requisition and storage of necessary expendable stationary supplies

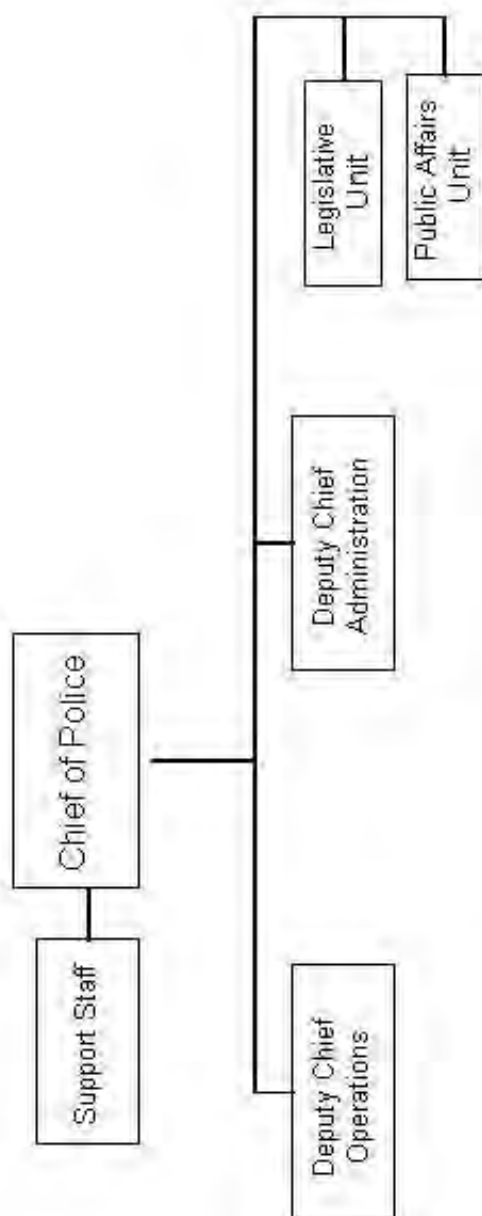


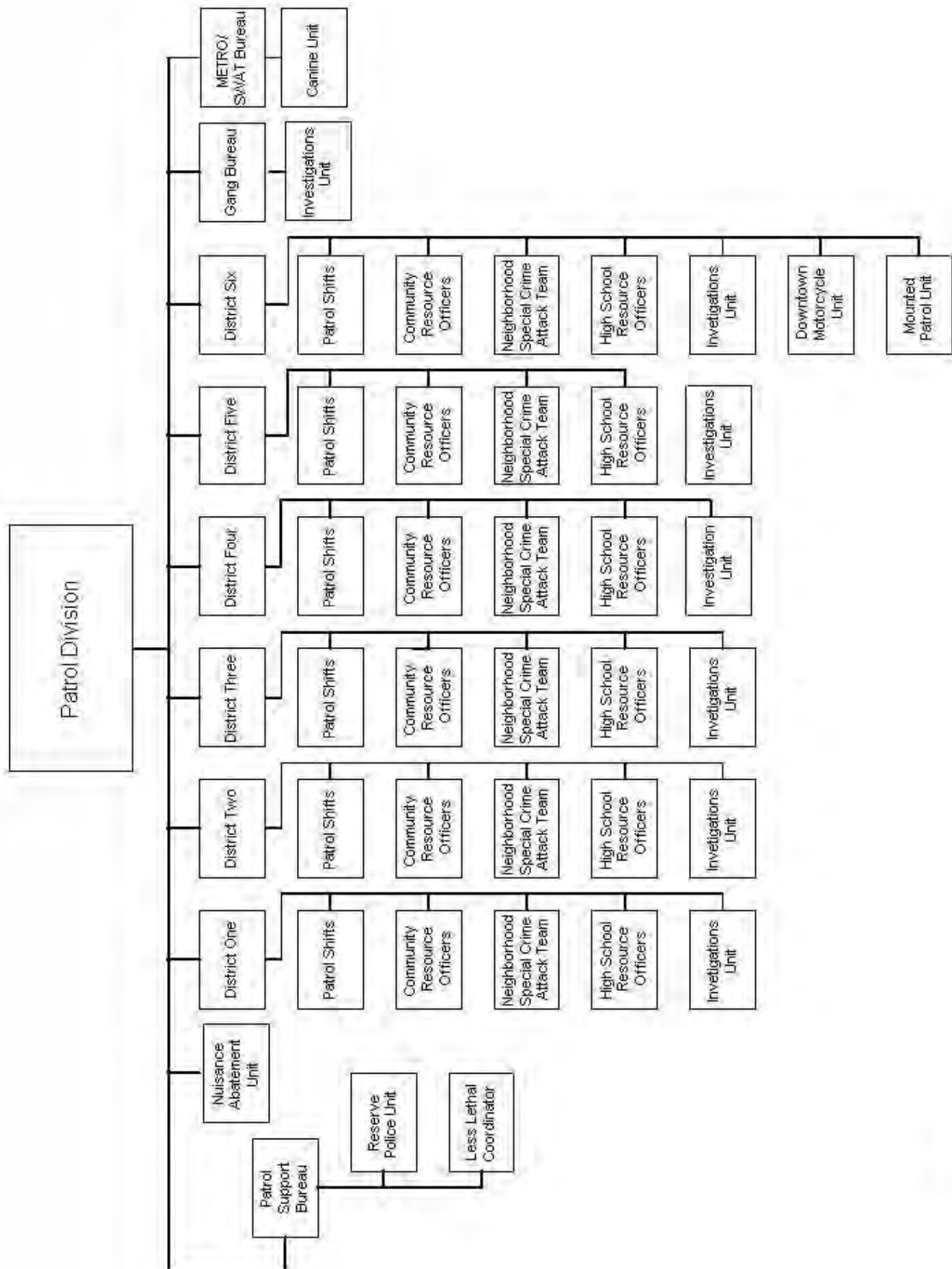
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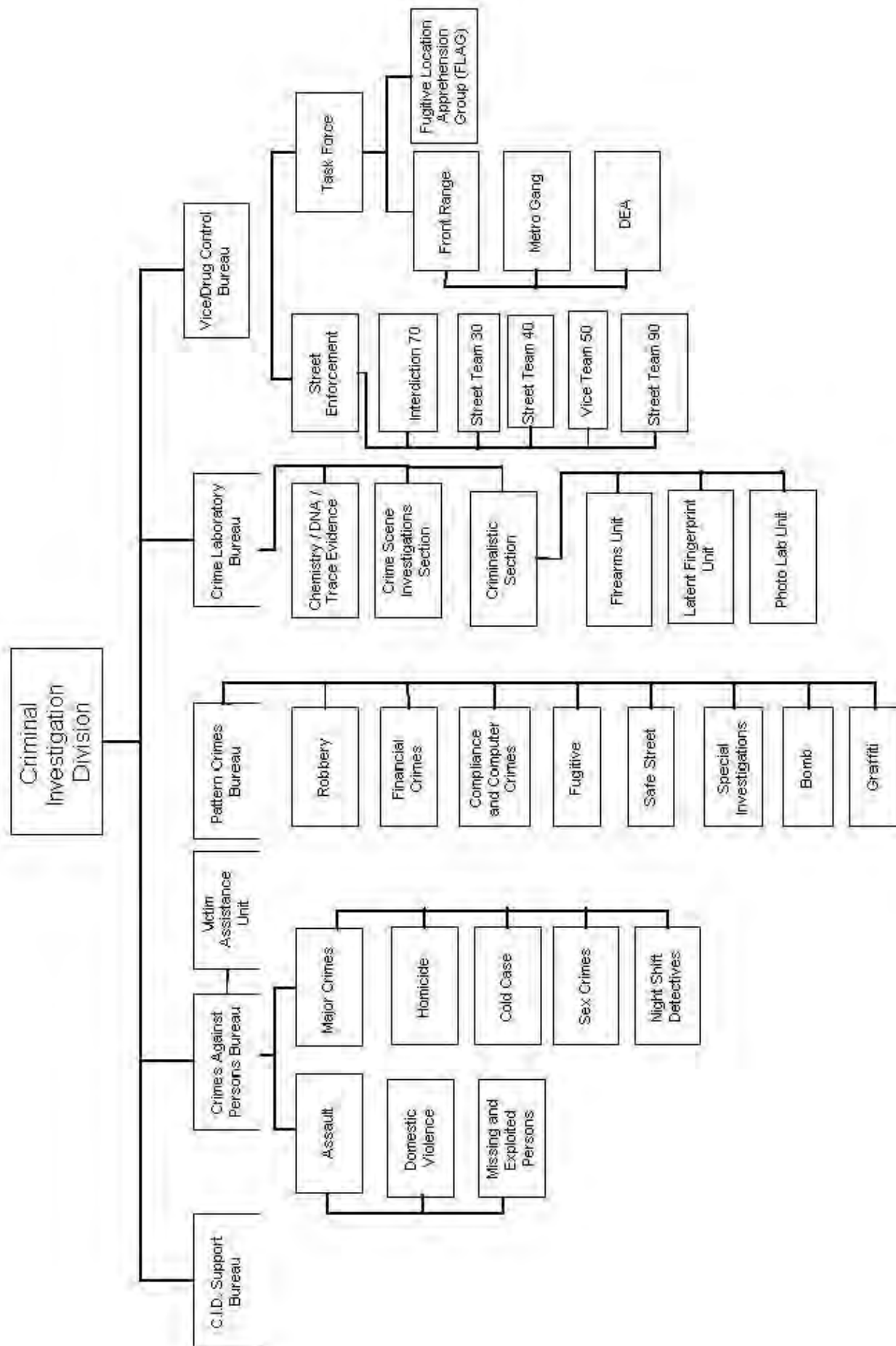


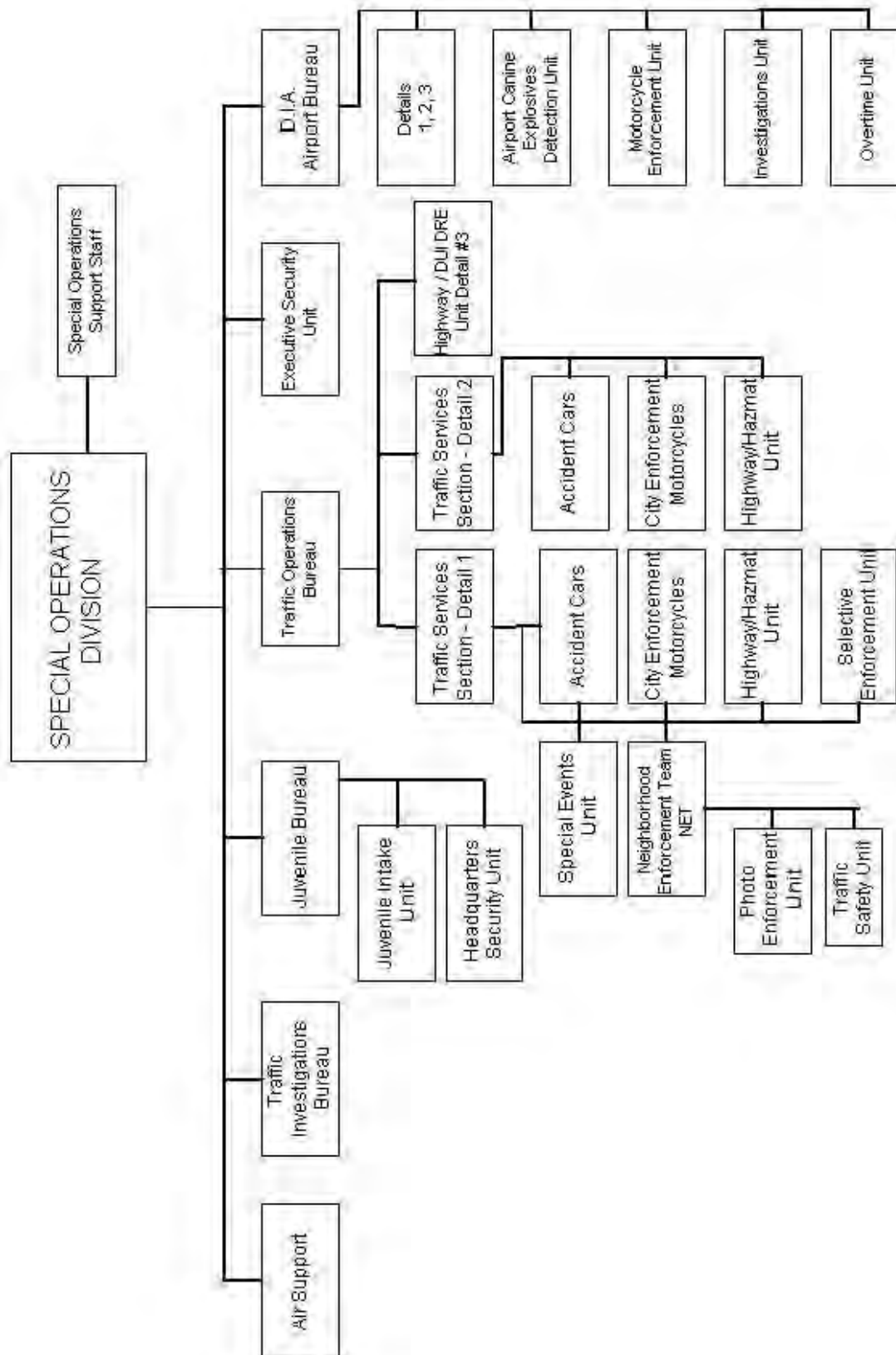
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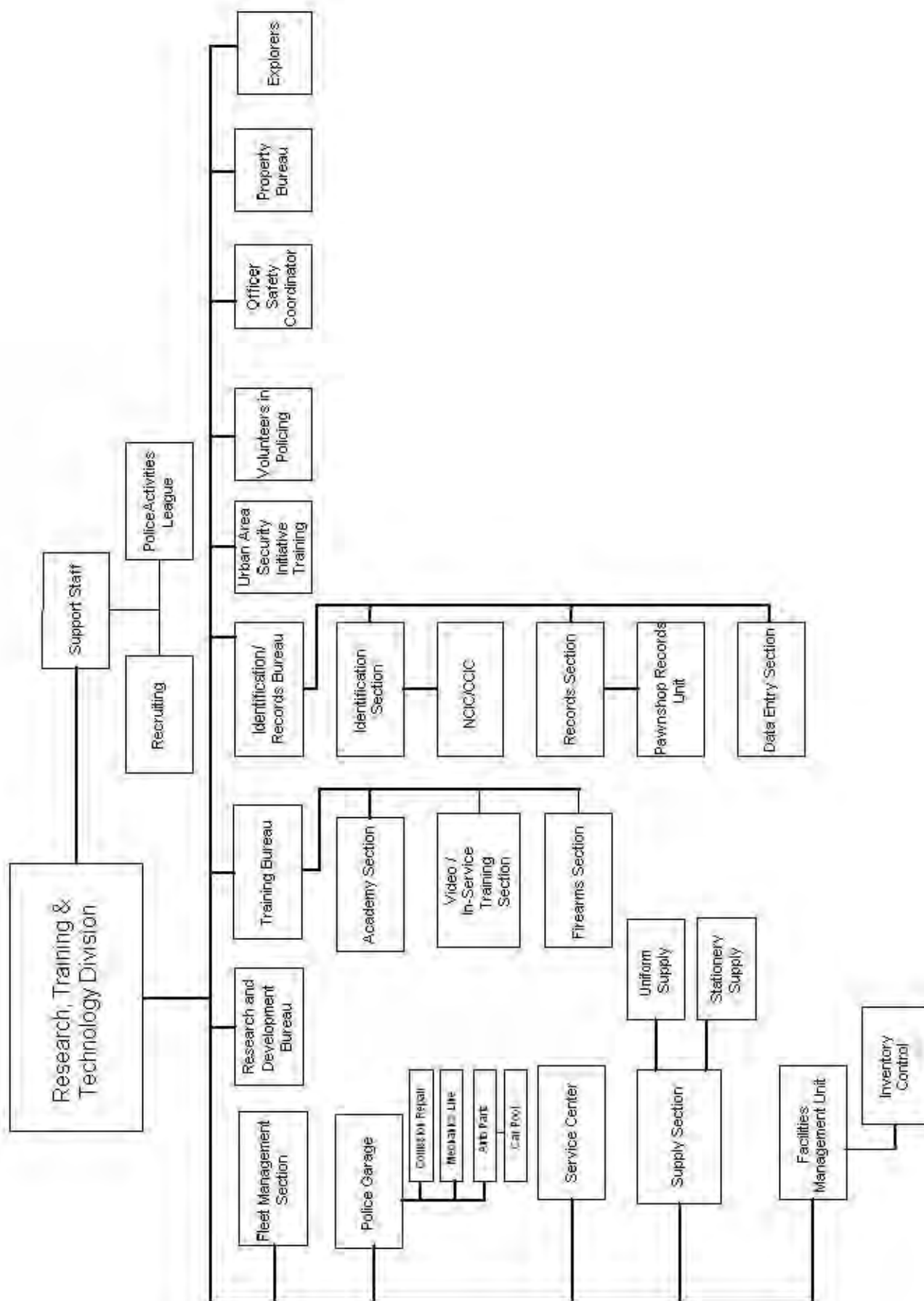


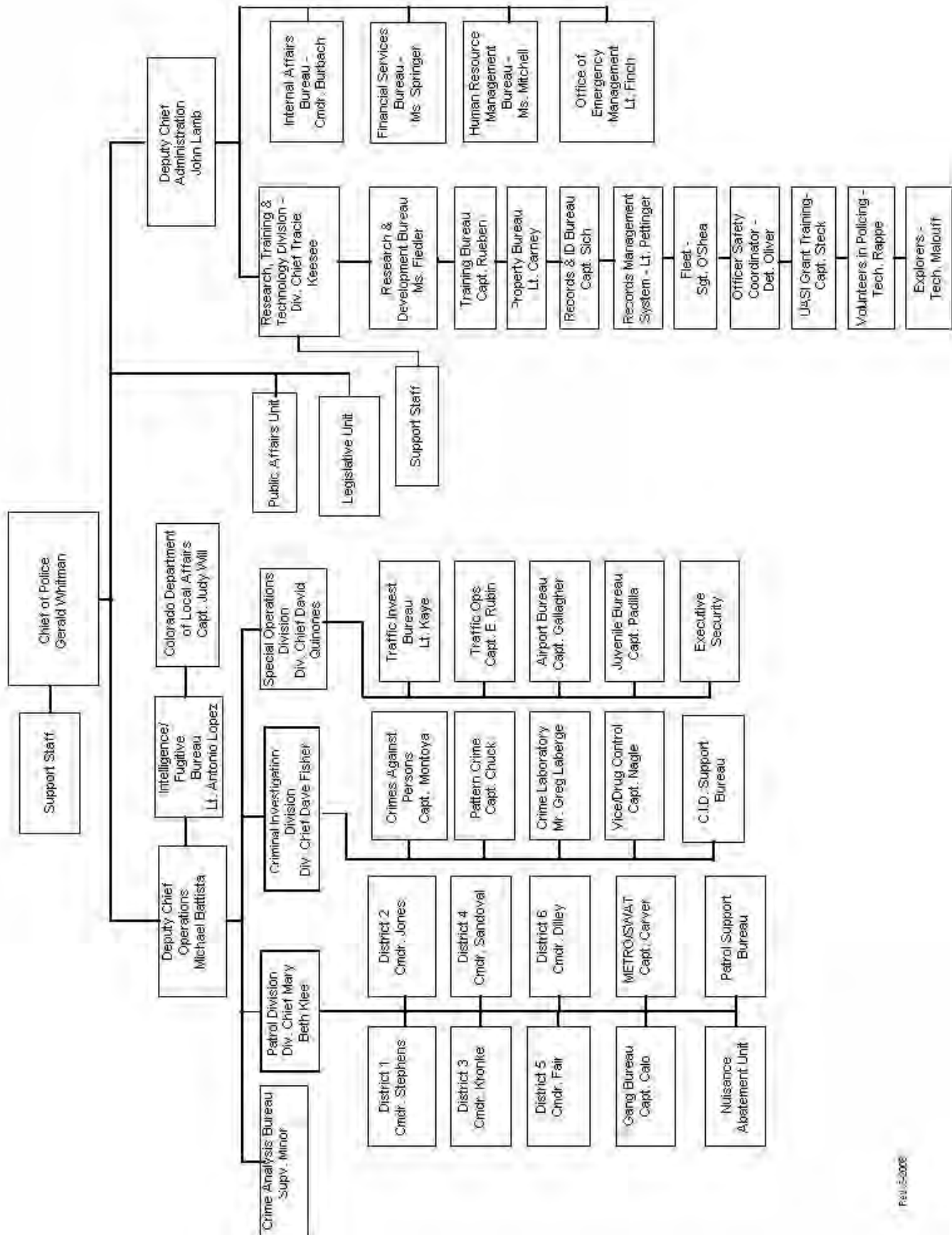
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Rev. 6-2008

DIVISION III**SERIES 3.00 through 34.00****DUTIES AND RESPONSIBILITIES OF PERSONNEL**

3.00	D. and R. of All Officers
4.00	D. and R. of Chief of Police
5.00	D. and R. of Deputy Chiefs of Police
6.00	D. and R. of Division Chief
7.00	D. and R. of Command Officers
8.00	D. and R. of Supervisory Officers
9.00	D. and R. of Internal Affairs Bureau Commander
10.00	D. and R. of Members of the Internal Affairs Bureau
11.00	D. and R. of Captain/CSA Director
12.00	D. and R. of Lieutenant
13.00	D. and R. of Sergeant
14.00	D. and R. of Detective
15.00	D. and R. of Community Resource Officer
16.00	D. and R. of Technician
17.00	D. and R. of Patrol Officer
18.00	D. and R. of District Clerk
19.00	D. and R. of Superintendent of Radio Engineers
20.00	D. and R. of Radio Engineer
21.00	D. and R. of Executive Officer of the Police Reserve Unit
22.00	D. and R. of Neighborhood Police Officers
23.00	D. and R. of Police Reserve Officer
24.00	D. and R. of Field Instructor
25.00	D. and R. of Airport Police
26.00	D. and R. of Police Psychologist
27.00	D. and R. of Secondary Employment Administrator
28.00	D. and R. of Underwater Recovery Team
29.00	D. and R. of Nuisance Abatement Coordinator
30.00	D. and R. of Juvenile Intake Unit
31.00	D. and R. of High School Resource Officers
32.00	D. and R. of the Community Policing Coordinator
33.00	D. and R. of Corporals within the Patrol Division
34.00	D. and R. of Commanders of Police

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3.00 GENERAL DUTIES AND RESPONSIBILITIES OF ALL OFFICERS OF THE DENVER POLICE DEPARTMENT

- 3.01** Officers are held to be always on duty, although periodically relieved from the routine performance of it. They are always subject to orders from a supervisory officer and to call from private persons, and the fact that they may be technically off duty shall not relieve them from the responsibility of taking proper police action in any matter coming to their attention. When there is no urgent or immediate need for police action, they may request the dispatcher to turn the matter over to officers on duty in the district, but they shall take such police action as may be required prior to the arrival of the dispatched officers.
- 3.02** Officers shall study and thoroughly understand the Department Rules and Regulations, the Operations Manual, appropriate directives and issued orders.
- a. They shall familiarize themselves with the information and notices published in the Police Daily Bulletin.
 - b. They shall keep their Operations Manual up-to-date by obtaining, reading and inserting revisions into their Operations Manual as outlined in OMS 115.03 (1).
 - c. They shall study and have considerable knowledge of all City Ordinances and state and federal laws which they may be required to enforce.
 - d. They shall obtain the assistance of their supervisory officer in the interpretation of any action that is not clearly understood.
 - e. They shall be especially well-informed about the rules, regulations, procedures and duties governing their specific assignments.
- 3.03** Officers shall preserve the peace, protect life and property, prevent crime, apprehend criminals, recover lost or stolen property, and enforce in a fair and impartial manner, the ordinances and regulations of the City and County of Denver and the laws of the State of Colorado and uphold the Constitution of the United States of America. The responsibility to make a forcible arrest and perform such other necessary physical tasks when called upon to do so is a specific duty and responsibility of each officer, regardless of rank and/or assignment, and regardless of the frequency upon which an officer is called upon to perform such physical tasks.
- 3.04** Officers shall serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity and sound judgment.
- 3.05** Officers shall report all crimes, suicides, and their attempts, important happenings and other information of concern to the department, that come to their attention, whether or not the incident occurred in the city. They shall not repress, conceal or distort the facts of any such incident. Officers who have reason to believe that a building or part thereof is being used in violation of the law, or who have information regarding any felony or any wanted person, shall immediately report all details to their commander who shall direct the action to be taken or forward the information to the proper division. However, any member of the department who has valuable information regarding an arrest or a police case other than their own, shall communicate such information to the arresting or investigating officers, directly, or in writing through official channels. If such report is made directly, it shall be followed by a written report through official channels. It shall be deemed neglect of duty to withhold such information.
- 3.06** Whenever any member of the Denver Police Department is involved in a traffic accident or any other incident (on or off duty) that requires or may require police attention, the investigating officer or the involved officer shall immediately notify a Denver Police Department supervisory or command officer. The ultimate responsibility for notification if the incident occurs outside the City and County of Denver lies with the involved officer. This shall apply to motor vehicle accidents as well as any other incident that has the potential for police involvement. A supervisor or command officer shall be notified immediately when an employee is involved in a traffic accident while on duty, whether or not there is property damage or injury. If the situation occurs within the City and County of Denver, a supervisory or command officer shall respond to the scene and shall determine the appropriate course of action. If the situation occurs outside the City and County of Denver, the supervisor or command officer notified will make a determination as to whether their response or that of the Internal Affairs Bureau is required based on the criteria outlined in OMS 503.01(4).

- 3.07** Members who injure a person or damage any property must notify the Civil Liability Bureau, in writing, through the chain of command.
- a. If property damage is caused by forced entry to a structure or vehicle while executing a warrant, or under any other circumstances, a Forced Entry Report, DPD 460, shall be completed and forwarded to the Civil Liability Bureau. If appropriate, a copy of the warrant and any photos of the damaged property will be included.
 - b. Damages to vehicles caused by push bumpers
 - 1. Unintentional damage to the vehicle being pushed will not be handled as a traffic accident. A supervisor shall respond to the scene to assess the damage. The officer involved will write a letter explaining the circumstances of the damage and forward it, through the chain of command, to the Civil Liability Bureau.
 - 2. Any damage or injury resulting from the pushed vehicle coming into contact with a person or object will be reported on a State of Colorado Investigator's Traffic Accident Report, Form DR-447. See OMS 203.02 (10).
 - c. A completed Report of Use of Force/Injury Prior to Arrest, DPD 12, will be accepted for this provision in cases of personal injury resulting from officer/citizen contact.
 - d. Officers should not advise citizens that the City will pay for damages or injuries.
- 3.08** All officers shall make reports promptly and in the manner prescribed by reporting procedure. They shall not make a false report, either orally or in writing. Officers who receive assistance from any other officer on a case to which they are assigned shall note the assistance on their reports.
- 3.09** Officers shall not go outside the City and County of Denver, or drive or take departmental equipment outside the City and County of Denver except in cases of fresh pursuit, when sent by proper authority on the request of the Sheriff or Chief Law Enforcement Officer having jurisdiction, or because there appears to be a grave emergency and urgent need for assistance, or when authorized to do so by a supervisory officer.
- 3.10** Verbal reports shall be confirmed by written communications before officers rendering them report off duty.
- 3.11** Any officer observing a police emergency or having it reported to them shall immediately report the incident to the police dispatcher.
- 3.12** All members of the department shall thoroughly acquaint themselves with the duties of the office, position, or employment which they hold. They shall perform the duties thereof properly and with care and attention. In cases of neglect, failure or inability to perform their duties, they may be subject to disciplinary action at the discretion of the officer in charge or the Chief of Police.
- 3.13** In carrying out the functions of the department, all members thereof shall direct and coordinate their efforts in such a manner as will establish and maintain the highest standard of efficiency and safety.
- 3.14** Members of the department are required to perform their duties with firmness and determination. In time of peril, they shall act together, assisting each other in the restoration of peace and order in the enforcement of the laws and apprehension of offenders.
- 3.15** Members shall be attentive to, and take suitable action on reports and complaints by a private person, except when circumstances make it necessary for them to report the matter or refer the complainant to a more suitable police officer of another agency. Officers shall fulfill proper requests for information or assistance, or they shall aid the person in otherwise obtaining the requested information or assistance. Members shall avoid giving the impression they are evading the performance of their duty, or they are not interested in the problems of persons who are referred elsewhere for service. Members shall not belittle a seemingly trivial request, complaint, or piece of information, but shall always thank the complainant or informant, regardless of the value of the information received.

- 3.16 Officers shall act promptly, with energy, firmness and decision at the scenes of crimes, disorders, accidents, or other situations, disasters, or incidents that require police attention and in dealing with suspects, and in disposing of their assignments. When the police purpose might be jeopardized by delay, immediate action shall be taken, even though the incident would ordinarily be dealt with by some other officer or division. All officers, regardless of rank or assignment, shall maintain themselves in such physical and mental condition as is necessary to take immediate action when required.
- 3.17 All officers assigned to temporary positions outside the Denver Police Department shall adhere to the rules and regulations, duties and procedures outlined in the Operations Manual.
- 3.18 The duties set forth in the manual for the various positions in the department shall not be considered to be all inclusive. All members of the department shall perform such other duties as may be assigned to them from time to time by their commanding officer.
- 3.19 Unauthorized officers and other persons shall not have access to Department records and report files, except commanding officers and the members assigned to process, maintain and file them.
- 3.20 The Internal Affairs Bureau shall be informed of any complaint regarding department personnel.
- 3.21 It shall be the duty of every member of the police department to invoice property and deliver to the Property Management Bureau all property seized or found by them immediately after the same shall have come into their possession.]
- 3.22 At the scene of homicides and other major crimes the ranking member of the Criminal Investigation Division who may be present shall be in complete charge of the immediate crime scene without regard to the rank of officers present from any other divisions.
- 3.23 All employees of the Denver Police Department shall return to the Police Library all checked out material within the prescribed time.
- 3.24 Officers shall complete their assigned tour of duty unless excused or relieved of duty by a supervisor or command officer.

4.00 DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE

- 4.01 The Chief of Police is the executive head of the police department. All orders and directives to the police department emanating from the Manager of Safety will be directed through the Office of the Chief of Police.
- 4.02 The Chief shall formulate and enforce departmental policies and exercise such powers connected with this office as may be provided by ordinance and charter. The Chief is responsible for the proper and efficient enforcement of all laws and ordinances which the police department is authorized to enforce. The Chief shall discharge the responsibilities imposed on this office by charter and ordinance.
- 4.03 The Chief has the authority to promulgate such orders to the employees of the police department as may be deemed proper. All orders shall conform to the law and to the Rules and Regulations of the police department and shall remain in full force and effect until rescinded.
- 4.04 The Chief, as far as possible, shall anticipate emergencies and formulate procedures to be used in the event of such occurrences.
- 4.05 The Chief is authorized to designate patrol officers to perform work as Detectives or Technicians and may, at his pleasure, return them to patrol service.
- 4.06 The Chief of Police shall, with approval of the Manager of Safety, assign one person of the rank of Captain in the Classified Service of the Police Department to perform the duties of Deputy Chief of Police.
- 4.07 The Chief shall select and designate Division Chiefs. The Chief shall confer with the Deputy Chief and the Division Chiefs in the designation of Command Officers of districts, bureaus, sections, and units within a division.
- 4.08 The Chief shall maintain strict discipline throughout the entire department. The Chief is responsible for the enforcement of police department rules and regulations and for the satisfactory conduct and general behavior of police officers and CSA employees; and shall require them to give close attention to their duties and to conform to department procedures.

- 4.09** The Chief of Police is responsible for the investigation of all charges made against officers and CSA employees by subordinate officers or by citizens. The Chief shall assure that all evidence relating to alleged offenses is discovered and properly documented.
- 4.10** The Chief of Police or a designated representative shall represent the police department in all external relations, including contacts with other public officials and law enforcement agencies.
- 4.11** The Chief shall create and maintain favorable relations between the public and the police and shall establish basic policies governing the various phases of public relations for the guidance of the members of the department.
- 4.12** The Chief shall confer with the Manager of Safety before taking any of the following actions:
- a. Making important changes in the duties of the Deputy Chief or the Division Chiefs.
 - b. Making important changes in the organization of the department.
 - c. Making important changes in operating procedure.
 - d. Leaving the city for a longer period than the normal weekly relief.
- 4.13** The Chief shall report immediately to the Manager of Safety on any of the following incidents:
- a. The appointment and removal of Detectives and Technicians.
 - b. The suspension of a member of the police department.
 - c. The death of any member.
 - d. The critical injury in the line of duty of any member.
- 4.14** The Chief shall delegate to commanding officers an authority commensurate with their responsibilities. The Chief shall give them full authority within the restrictions imposed by higher authority to direct and discipline the subordinates under their command.
- 4.15** The Chief shall outline in an Operations Manual the duties of the units and members of the department. The Chief shall formulate and publish departmental procedures and shall revise the procedures and duty assignments as needed.
- 4.16** The Chief shall so organize office procedure that, when absent, it will be under the command of the Deputy Chief of Police. The Deputy Chief shall be regarded, for the time being, as the representative of the Chief of Police, and as such, his/her directions shall be obeyed throughout the department.
- 4.17** The Chief shall organize the department so that related tasks and activities may be grouped for assignment to a unit under the supervision of a competent supervisory officer. The Chief shall establish a logical and clear-cut chain of command with definite channels of communication, responsibility and authority. The Chief shall prepare an organization chart of the department showing the functions and control of the various organic units. The Chief shall revise the organization as needed to maintain effective operation and control.
- 4.18** The Chief shall establish such control devices as may be deemed necessary and organize personnel and equipment to meet current needs in order to insure the effective administration of the police department.
- 4.19** The Chief shall be responsible for assigning members of the department to their various duties and shall approve the transferring of members from one unit to another.
- 4.20** The Chief shall establish definite policies with reference to:
- a. The detachment of police officers to perform liaison duties or to perform other than prescribed police duties.
 - b. The supplying of information to official and unofficial persons or organizations.
- 4.21** The Chief shall be responsible for the planning and execution of programs designed to suppress crime and accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and regulate non-criminal conduct.
- 4.22** The Chief shall be responsible for the discipline, safety, conduct, work performance, assignment, selection, promotion and demotion of all employees of the department.

- 4.23** The Chief of Police has the responsibility of assuring that a complete written record of each sustained disciplinary case is made a part of the personnel file of the disciplined member and that an entry of the action is made on their service record.
- 4.24** The Chief of Police is the custodian of all books, records, reports, manuals, photographs and documents of the department and shall be considered the agent of service for all subpoenas requesting the production from the police department of said documents.
- 4.25** The Chief of Police shall conduct regular staff meetings with the Deputy Chief and the Division Chiefs and other persons needed to conduct the business at hand, and shall encourage regular staff meetings to be conducted by division, bureau, section, and unit commanders.
- 4.26** Each January, upon receipt and review of the goals and objectives from the Deputy Chief and the Division Chiefs, the Chief of Police shall prepare the Department's goals and objectives. He shall then implement the distribution of goals and objectives to affected members.

5.00 DUTIES AND RESPONSIBILITIES OF THE DEPUTY CHIEFS OF POLICE

- 5.01** The Deputy Chief(s) of Police shall be under the direct control of the Chief and shall perform such duties so long as his or her services are satisfactory to the Chief of Police and the latter shall see fit to continue such assignment.
- 5.02** The Deputy Chief(s) of Police shall carry out the general policies and orders of the Chief of Police and perform any and all duties assigned by the Chief of Police.
- 5.03** A Deputy Chief of Police shall act as the Chief of Police whenever the Chief of Police is unable to act because of absence or incapacity.
- 5.04** During the absence of the Chief of Police, the Deputy Chief(s) shall not interfere with, rescind or modify any general order issued by the Chief of Police, except in an extreme emergency.
- 5.05** The Deputy Chief(s) of Police shall continually study obstacles which prevent the department from functioning efficiently, including lack of authority or inadequate legislation, delays in prosecution, the uncooperative attitudes of other municipal employees and interference by outside influences. The Deputy Chief(s) of Police shall take the necessary steps to rectify such situations.
- 5.06** The Deputy Chief(s) of Police shall assist the Chief of Police in building and maintaining the department morale and in maintaining strict discipline throughout the department.
- 5.07** The Deputy Chief(s) of Police shall establish and maintain cooperative relationships between the police department and other agencies.
- 5.08** The Deputy Chief(s) will be responsible for the direction of the Patrol, Criminal Investigation, Special Operations, and Research, Training, and Technology Divisions. Each Division Chief will report directly to his/her respective Deputy Chief.
- 5.09** The Deputy Chief(s) of Police shall organize for efficient operation all activities of the Patrol, Criminal Investigation, Special Operations, and Research, Training, and Technology Divisions and those Bureaus and Sections under their direct command.
- 5.10** The Deputy Chief(s) of Police shall exercise control over all members assigned to those Bureaus and Sections to the end that the duties and responsibilities of their particular segment of the total police mission shall be promptly and efficiently performed and discharged.
- 5.11** The Deputy Chief(s) of Police shall hold frequent staff meetings with command personnel of those Divisions, Bureaus, and Sections under their direct command where all problems and suggested procedural changes may be discussed.
- 5.12** The Deputy Chief(s) of Police shall critically observe procedures affecting the operation of those Bureaus and Sections under their direct control, recommending changes designed to increase their effectiveness.
- 5.13** The Deputy Chief(s) of Police shall coordinate the efforts of all officers under their direct command toward the achievement of police objectives, eliminating friction, criticism and inefficiency.

- 5.14** The Deputy Chief(s) of Police shall approve all requisitions for Bureaus and Sections under their direct control and have them prepared for presentation to the Manager of Safety, subject to the knowledge and approval of the Chief of Police.
- 5.15** The Deputy Chief(s) of Police shall hold a hearing at 9:00 a.m. on the next business day after an emergency relieving of duty of a member or employee of a Bureau or Section under his/her direct command and make appropriate recommendations for disposition to the Chief of Police.
- 5.16** At the direction of the Manager of Safety, the Deputy Chief(s) of Police will be responsible to hold disciplinary conferences for Career Service employees under his/her direct command.
- 5.17** The Deputy Chief(s) of Police shall be responsible for the preparation and execution of the department's budget and will administer the fiscal affairs in a manner calculated to convert available resources into maximum effective police service with the highest degree of economy.
- 5.18** The Deputy Chief(s) of Police shall be responsible for all resources (manpower, materials, equipment and money) assigned to the department and for their efficient and economical utilization toward the accomplishment of the police mission.
- 5.19** The Deputy Chief(s) of Police shall be responsible for assuring that all department personnel receive the necessary training to enable them to effectively and efficiently perform their job duties and responsibilities.
- 5.20** The Deputy Chief(s) of Police will evaluate procedures used in the selection of officers for appointment and promotion and assure that only intellectually, emotionally, physically and morally qualified officers are appointed; to see that those who fail to measure up to prescribed standards of performance during training and on the job are dismissed during their probationary period; to remove from the department those who demonstrate their indifference, incompetence or dishonesty at any future date in their service.
- 5.21** The Deputy Chief(s) of Police shall cause to be kept complete records of the business of the department to be prepared and retained. The Deputy Chief(s) of Police will be responsible for the preparation of records and forms and for daily, monthly and annual reports.
- 5.22** The Deputy Chief(s) shall conduct periodic surveys of physical equipment and arrange for the salvaging of discarded or impaired equipment.
- 5.23** The Deputy Chief(s) shall provide for the security of the Mayor of the City and County of Denver.

6.00 DUTIES AND RESPONSIBILITIES OF DIVISION CHIEFS

- 6.01** They shall exercise control over all members of their divisions to the end that the duties and responsibilities of their particular segment of the total police mission shall be promptly and efficiently performed and discharged.
- 6.02** They shall maintain strict unity of command.
- 6.03** They shall carry out the general policies and orders of the Chief of Police.
- 6.04** They shall plan the functional distribution of personnel, holding monthly meetings with their staffs before making assignments.
- 6.05** They shall critically observe procedures affecting the operation of their divisions, recommending changes designed to increase their effectiveness.
- 6.06** They shall hold frequent staff meetings with command personnel of their divisions, where all problems and suggested procedural changes may be discussed.
- 6.07** They shall coordinate the efforts of all officers of their division toward achievement of police objectives, eliminating friction, criticism and inefficiency.
- 6.08** They shall establish and maintain cooperative relationships between the police department and other agencies.
- 6.09** They shall render every possible assistance in the selection of the best officer available for permanent appointment to the department, bearing in mind that the patrol officer is the basic contact with the public.

- 6.10** They shall concern themselves with the care and welfare of their personnel.
- 6.11** They shall make inspections of the city, their bureaus and their subordinates at irregular intervals and hours of the day or night. They shall be alert for incidents of neglect of duty by police officers, indications of criminal activities and methods to better the police effort. After each such inspection tour, they shall report in writing to the Deputy Chief of Police concerning their findings and the date and time of the inspection tour.
- 6.12** They shall approve all requisitions for bureaus and units within their divisions and have them prepared for presentation to the Manager of Safety, subject to the knowledge and approval of the Chief of Police.
- 6.13** They shall hold a hearing at 9:00 a.m. on the next business day after an emergency relieving of duty of a member or employee of their division and make appropriate recommendations for disposition to the Chief of Police.
- 6.14** They shall approve the monthly details to assure that they are adequately supervised and that the assignments are properly filled and made in a manner which will enable specialization. They shall see that a reasonable assignment of cases is made with the individual workload equally divided insofar as possible.
- 6.15** They shall publish position guides outlining the detailed duties and responsibilities of every assignment in their divisions. The position guides describe the specific duties of the employees and the conduct those employees are to maintain in order that they may properly perform their functions. The job position guides shall not conflict with Department rules, regulations, orders, or policy and are subject to final evaluation and concurrence by the Chief of Police.
- 6.16** They shall, each December, require all organizational components under their command, with input from all levels, to prepare goals and objectives for the following year and evaluate attainment of the current year's goals and objectives for submission to the Chief of Police.

7.00 DUTIES AND RESPONSIBILITIES FOR COMMANDING OFFICERS

- 7.01** Command Officers of districts, bureaus, sections, and units are responsible to their respective Division Chiefs for all aspects of police service rendered by their personnel, on a twenty-four (24) hour basis.
- 7.02** Commanding Officers have direct supervision and control, subject to the orders of the Chief of Police and their Division Chief, over all officers and CSA employees of the department assigned to their command. They are responsible for the efficiency and effectiveness and shall coordinate the functions and activities of the various units of their command. They shall promote harmony among the members of their command and are responsible for the cooperation of their command with all other districts, divisions, and bureaus of the police department.
- 7.03** They shall so regulate their command that, at all times during their absence, it shall be under the command of a competent officer not lower in grade than a sergeant in a district or bureau.
- 7.04** They shall without specific instructions, establish the required details and assignments necessary to carry out the functions of the police department, and of their command in particular. They shall be guided in their assignment of personnel by the number of officers available to them for assignment, and the necessity for assigning officers where they will be the most useful and efficient.
- 7.05** They are authorized to assign an officer temporarily to the duties of a member of higher grade.
- 7.06** They shall not countermand the Operations Manual without sufficient good reason.
- 7.07** They are authorized to excuse a subordinate from one tour of duty.
- 7.08** A commanding officer or CSA director shall as soon as practical report any emergency, crime of great magnitude, or unusual occurrence to their immediate superior, in accordance with published departmental procedures.

- 7.09** They shall, when on duty or notified, respond to any emergency or occurrence of a serious or otherwise unusual nature which arises within their territory or jurisdiction, in accordance with departmental procedures, unless their presence at the office would be of more value under the circumstances, in which case they shall assign a competent subordinate officer to take command at the scene of the emergency. They shall also, whenever possible, respond to calls where members of their command are involved in controversy or serious accident. Commanding Officers are not relieved of their command authority or responsibilities, when the Chief of Police or the Division Chief of Patrol is present at the scene of major incidents. However, they will coordinate their operation with the Chief of Police and/or the Division Chief of Patrol.
- 7.10** They are authorized to release juvenile offenders to their parents or guardians, when the circumstances warrant such action. They shall notify the Juvenile Intake Desk of their actions.
- 7.11** They shall be responsible for the prompt service of all official notices of subpoenas to subordinates which may be sent to them by proper authority.
- 7.12** They are responsible for the efficiency, discipline and morale of all members of their command. They shall investigate, or cause to be investigated, all complaints of citizens and reports by members of the police department of misconduct, incompetence, neglect of duty, or any violations of the Rules and Regulations on the part of anyone under their command in accordance with departmental rules and procedures relating to discipline. They shall also report to their Division Chief, any incompetent member who may be detailed to their command. This report shall include recommendations as to the action to be taken.
- 7.13** They shall be held strictly accountable for the appearance of personnel assigned to them, and for the condition and appearance of their uniforms and personal equipment.
- 7.14** They shall frequently inspect, or cause to be inspected, all members under their command, at the beginning of their tour of duty, and shall conduct frequent general inspections of the entire personnel assigned to their command, together with all automotive and other department equipment assigned to their use.
- 7.15** They are responsible for the good order and sanitary condition of departmental buildings or portions thereof within their command, and for the furnishings and equipment assigned thereto. They are responsible for the proper care, economical use, efficiency and serviceability of departmental property issued for, or assigned to the use of members of their command.
- 7.16** They are responsible for the punctual attendance of all personnel within their command and shall forward to the Human Resource Management Bureau for record keeping, member's attendance, overtime, court time and sick leave. A copy of the roster and assignment of their personnel for the succeeding work period shall be forwarded through channels by the commanding officer no later than the third Thursday of each work period.
- 7.17** They shall, after examining, verifying, and approving the itemized account of expenditures, by a subordinate, forward the account to the Financial Services Bureau on Request for Service and Supplies, DPD 201.
- 7.18** They are responsible for punctual attendance in court, and for proper preparation and presentation of cases in court by the members of their command.
- 7.19** They shall assist subordinates in the preparation of their cases so that there may be no mistrial caused by neglect on the part of a member of the police department. When in doubt, as to law, procedure, or status of a case, they shall consult with suitable authority.
- 7.20** They shall prepare efficiency ratings for each of the officers of their command at such intervals, and upon such form, as may be required by the Chief of Police.
- 7.21** They shall observe the probationary period officers assigned to their command, and shall submit probationary performance reports each month, using the specific comments section to indicate general adaptability to police work and their over-all ability to obtain desirable results. They shall, in their report, include a statement as to whether or not in their opinion each individual officer should receive a permanent appointment.
- 7.22** Command personnel shall establish and maintain a demonstrated performance record system for each officer assigned to their unit.

- 7.23** They are responsible for the analysis of criminal, traffic and other trends, and for evaluating the effectiveness of police techniques and procedures used, and are responsible for the application in their assigned function and command.
- 7.24** They are responsible for preparation of required correspondence, reports, and maintenance of records relating to the activities of their command.
- 7.25** They are responsible for the development and maintenance of Esprit de Corps and loyalty to the Department.
- 7.26** They shall keep an up-to-date file for officers' completed Request for Secondary Employment, DPD 149, approval; a court notice and subpoena book detailing all court appearances of their personnel; and a receipt book for recording all Operations Manual revisions issued to their personnel.
- 7.27** Command officers will continuously examine areas of the police operation under their purview and must assume the duties and obligations of their rank in the assessment and correction of performance deficiencies of their subordinate officers. A command officer must not look to higher authority to take corrective action when performance deficiencies are detected.
- 7.28** Command officers shall take proactive measures to identify performance deficiencies of personnel under their command and they will develop and implement effective interventions to correct subordinate performance or behavioral issues or problems and initiate disciplinary action when appropriate. They shall monitor the Personnel Assessment System (PAS) and identify subordinate personnel within their command who exhibit performance or behavior contrary to the mission, vision, values, goals, policies or procedures of the Department.

8.00 DUTIES AND RESPONSIBILITIES FOR SUPERVISORY OFFICERS

- 8.01** Supervisory officers must accept responsibility in matters not covered by hard and fast rules of procedure.
- 8.02** A supervisory officer is not only responsible for their own conduct and performance of police duties, but for that of subordinates as well. They shall set an example in sobriety, dignity, courtesy, discretion, initiative, industry, diligence, truthfulness, courage, attention to duty and the observance of proper discipline. They shall at all times, appear neatly attired and clean in person and equipment.
- 8.03** They are responsible for the proper execution of orders by their subordinates. The fact that an order has been given is not acceptable as an excuse when that order is not carried out by a subordinate.
- 8.04** Communications, orders and directives emanating from the Chief of Police or command personnel, and all requests for assistance from one division or bureau to another shall follow the chain of command, except in emergencies where the element of time renders this procedure impractical and ineffective in the proper and expeditious performance of police duties.
- 8.05** They shall exercise direct command over lesser officers outside their usual command in all situations where the police purpose or the reputation of the department is jeopardized. However, they shall not unnecessarily give orders to subordinates who are not assigned to their command. Whenever orders that are given are important or require the subordinate receiving them to leave their regular post or assignment the supervisory officer giving the orders shall, as soon as practicable, inform the subordinate's commanding officer of the action taken.
- 8.06** If they observe or are informed of any willful neglect of duty or misconduct by an employee or member not assigned to their command shall, except where the reputation of the department and welfare of the community demands immediate direct action, bring it to the attention of a supervisory officer of the member or employee, who shall immediately investigate the matter to determine the facts and make a written report of their findings to their commanding officer.
- 8.07** They shall follow the departmental rules of discipline and disciplinary procedures in all cases of misconduct on the part of their subordinates.
- 8.08** They shall make an impartial written report to their commanding officer in every case of misconduct, incompetence, neglect of duty, or violation of the rules and regulations on the part of a subordinate, and failure to do so shall be deemed neglect of duty.

- 8.09** They shall not perform the duties regularly assigned to a subordinate when the subordinate is available to perform them.
- 8.10** They shall familiarize themselves with all police procedures, general orders, rules and regulations, city ordinances, and state and federal laws, so that they may be competent to advise and instruct subordinates in the proper performance of their duties.
- 8.11** They shall see that all officers under their command have been supplied with copies of the Operations Manual of the police department and that they are thoroughly instructed on the contents. They shall frequently instruct officers in the laws of arrests and evidence and in the restrictions in the use of firearms.
- 8.12** They shall see that their subordinates make all required reports promptly and such reports shall be accurate, complete and on the proper forms.
- 8.13** They shall forward immediately through channels all written communications from subordinates requesting a transfer or containing a grievance or suggestion.
- 8.14** They shall carry on their person, while on duty, the actual duty assignment of each officer immediately subordinate to them.
- 8.15** They shall give particular attention to the morale of subordinates and shall do their utmost to promote harmony among the ranks.
- 8.16** They shall exercise their authority with kindness, firmness, justice, and reason.
- 8.17** When an officer has performed some meritorious police service, their supervisory officer shall submit to the commanding officer a written factual report of the case and make such recommendations as they deem proper. See OMS 503.03.
- 8.18** They shall, when a case is of sufficient importance, be present in court to see that the best interests of the community are served.
- 8.19** They shall, before starting their tour of duty, study all directives carefully, and shall familiarize themselves with police problems which have emerged since their last tour of duty.
- 8.20** They shall call all matters of importance to the attention of their commanding officer.
- 8.21** They shall, when completing their tour of duty, inform the supervisory officer coming on duty of any significant event which has occurred during the previous tour of duty.
- 8.22** They shall, in case of riot or sudden emergency requiring police services, proceed to the event with sufficient personnel to suppress disorder. They shall, if necessary, arrange for reinforcements according to procedures outlined in the emergency procedure plan. See OMS 108.01.
- 8.23** They shall keep themselves fully and accurately informed about meetings and gatherings likely to attract large numbers of persons, and take such steps as may be necessary to insure proper police service at such assemblages.
- 8.24** They shall be responsible for the treatment of prisoners in their custody or in the police station, and under no circumstances shall they permit unnecessary force to be used.
- 8.25** When a prisoner is in need of medical attention, they shall take steps to make it available.
- 8.26** They shall have the particular responsibility to maintain rigid police discipline and to investigate or cause to be investigated all complaints by citizens or members of the Police Department of misconduct, incompetence, neglect of duty or violations of the rules and regulations on the part of any one under their command. They shall report the results of their investigation immediately and in full detail to their commanding officer in accordance with the departmental rules of discipline.
- 8.27** They shall be held strictly responsible for the efficiency, good conduct, and appearance of the subordinate officers under their supervision.
- 8.28** They shall be present at the regular roll call of subordinates and shall inform them as to all special duty assignments, orders and instructions, so that they may see that all duties are performed and orders carried out, unless otherwise ordered. When assigned as commanding officer or acting in that capacity, they may delegate this responsibility to a subordinate.

- 8.29** They shall visit every part of the district or sector and make every manner of inspection or investigation necessary to keep themselves informed as to the conditions within the district or sector and to ascertain if all police duties are being properly performed.
- 8.30** When assigned to street duty, they shall personally respond to any emergency or occurrence of a serious nature which may arise any place within their district.
- 8.31** The presence of a supervisory officer or another officer having command authority shall not in any way relieve them from responsibility and duties regularly assigned to them. They shall in such instances assist and supervise subordinates under the direction of the officer in command.
- 8.32** When assigned to radio cruisers, they shall patrol within the limits of the districts assigned to them and shall be responsible for the efficient handling of all calls directed to them and to the patrol cars under their supervision.
- 8.33** A patrol supervisor is directly responsible to their immediate supervisory officer and is charged with exacting the proper performance of patrol and other police duty from all members assigned within the territory subject to their supervision.
- 8.34** They shall assist and instruct the officers under their supervision in the proper discharge of their duties.
- 8.35** At roll call they shall make a careful inspection of the officers under their supervision to ascertain that they are properly uniformed, equipped and fitted for duty. If any are found improperly uniformed or equipped, or in any way unfit for duty, such fact shall be reported at once to their immediate supervisor.
- 8.36** They shall constantly observe and follow up the activities of officers under their charge and ascertain whether police duties and orders are promptly and efficiently executed.
- 8.37** They shall enforce the rule that motor patrol officers shall not unnecessarily go off the air or out of service, or loiter at headquarters or the district station.
- 8.38** They shall not leave their district while on duty, except on official business connected with the police department, and in such event, they shall advise their commanding officer as to the time of departure and return, and the nature of the business transacted.
- 8.39** If an officer is absent from their beat or fails to report regularly, they shall make diligent investigation into the cause and promptly report to their commanding officer the results of such investigation.
- 8.40** They shall personally respond to any emergency occurrence of a serious or unusual nature which may arise any place in their district, and shall take personal command in such cases as come under the jurisdiction of the Patrol Division. The supervisor first arriving at the scene of any serious fire, crime, riot or other emergency shall notify their commanding officer. They shall, if necessary, arrange for reinforcements according to procedures in the Emergency Procedure Plan.
- 8.41** They shall, during their tour of duty, visit all officers detailed to public gatherings, guard duty and other special duty in their district as often as practicable.
- 8.42** They shall frequently respond to routine calls for the purpose of observing the manner in which officers respond to and handle their calls, noting their degree of promptness, efficiency and competence.
- 8.43** They shall, as often as is practicable, examine the written reports and records of the officers and the daily log in each radio car to assure that proper records are made on all police matters reported to them by radio or by other means.
- 8.44** They shall be held responsible for the proper, complete and legible writing and forwarding of all reports and written documents made by subordinates.
- 8.45** They shall work identical hours, and/or shifts with subordinate officers, unless otherwise authorized by their commanding officer for special assignments.
- 8.46** A patrol supervisor's primary duty is to supervise the activities of the officers on the street, who are subordinate to them. They shall devote their entire duty time between on-coming and off-going roll calls to street supervisory duties. Exceptions to this rule will be designated by their commanding officer, with the approval of their Division Chief.

- 8.47 Patrol supervisors, at the end of their tour of duty, shall be responsible for off-going roll calls and inspections. They shall be alert for absences, condition, appearance and punctuality of the officers. If any irregularities are noted, they shall be immediately called to the attention of the district commander on duty, and written report of the facts shall be made to their commanding officer. Supervisory officers will be responsible for the discretionary use of overtime. Officers assigned calls at the end of their tour of duty that will require any considerable time to complete, shall be relieved by the oncoming shift when such action will not jeopardize the proper completion of the call.
- 8.48 Patrol supervisors shall contact all officers under their supervision, on calls, whenever possible, during each tour of duty. Failure to contact must be explained. Unusual or extended requests for "out of service" will be investigated and reported by the duty sergeant. These reports will be prepared daily, and forwarded to the sergeant's immediate supervisor. The immediate supervisor will endorse same with recommendations as are appropriate, and forwarded through channels to the Chief of Police.
- 8.49 Adverse reports on any officer under their supervision will be made in writing to the commanding officer. Action taken by the immediate supervisor will be noted, and this report will be forwarded through channels to the Chief of Police.
- 8.50 Patrol supervisors will assist if necessary, field instructors regarding the evaluation of probationary officers and the preparation of their performance reports.
- 8.51 They shall prepare one (1) performance report on each of their field instructors during the field instructor's probationary period. Both copies of this report will be forwarded directly to the Division Chief of Patrol.
- 8.52 They shall see that all officers under their supervision keep their Operations Manuals up-to-date through periodic inspections. They shall also document the distribution of revisions to their personnel.
- 8.53 An officer temporarily filling the position of a supervisory officer shall be vested with all the authority and responsibilities of the supervisor, but the officer shall not interfere with, countermand or modify the orders previously issued by the supervisory officer, except in extreme emergency. Officers so assigned, when called upon to affix their signature to any official paper or report, shall use only their official title and never sign as an acting officer of a higher rank.
- 8.54 They shall keep themselves informed of the secondary employment police work being performed by their subordinates, by periodically checking the secondary employment files to insure that the officers are in compliance with OMS 114.00, Employment Outside the Police Department.
- 8.55 Supervisory officers will continuously examine areas of the police operation under their purview and must assume the duties and obligations of their rank in the assessment and correction of performance deficiencies of their subordinate officers. A supervisory officer must not look to higher authority to take corrective action when performance deficiencies are detected.
- 8.56 Supervisory officers shall take proactive measures to identify performance deficiencies of personnel under their command and they will develop and implement effective interventions to correct subordinate performance or behavioral issues or problems and initiate disciplinary action when appropriate. They shall monitor the Personnel Assessment System (PAS) and identify subordinate personnel under their supervision who exhibit performance or behavior contrary to the mission, vision, values, goals, policies or procedures of the Department.

9.00 DUTIES OF THE COMMANDING OFFICER OF THE INTERNAL AFFAIRS BUREAU

- 9.01 The commanding officer of the Internal Affairs Bureau (I.A.B.) shall report directly to the Chief of Police.
- 9.02 The commanding officer shall be held responsible for the security of the confidential information in the files of the Internal Affairs Bureau and shall not release confidential information to anyone without specific authorization from the Chief of Police.
- 9.03 The commanding officer shall have the responsibility and authority to make certain that all ranks comply with their responsibilities concerning the initiation of disciplinary action at their lowest level of supervision and command.
- 9.04 The commanding officer is charged with the responsibility of supervising the entire disciplinary process of the department and is specifically given the authority to discharge this responsibility.

- 9.05** Upon direct receipt of an alleged violation, the commanding officer of the Internal Affairs Bureau may refer it directly to the commanding officer of the accused, or may make an independent investigation of the complaint or information.
- 9.06** The commanding officer will review all disciplinary investigation reports received or prepared by the Internal Affairs Bureau to ascertain:
- a. The thoroughness and promptness of the investigation and the completeness of the reports in order to discover failures or delinquencies in the investigation or the reports that in turn deserve disciplinary investigation.
 - b. The need for providing suggestions, advice, or actual investigative assistance to the commanding officer in charge of the investigation.
 - c. The desirability of taking charge of the investigation with Internal Affairs Bureau officers.
 - d. The suitability of the classification of the case.
 - e. Whether the case is sustained and should be brought to the attention of the Deputy Chief of Administration for action.
 - f. Whether recommended disciplinary action is consistent and equitable with action taken by the department in similar cases, bearing in mind both the nature of the violation and the performance record of the individual involved.
- 9.07** The commanding officer shall be in charge of the Commendations Board.
- 9.08** The commanding officer shall have the responsibility and the authority to see that periodic inspections of all facets of the operations of the Denver Police Department are conducted. Also, any deficiencies will be recorded, and reported to the Chief of Police.

10.00 DUTIES OF MEMBERS OF THE INTERNAL AFFAIRS BUREAU

- 10.01** The primary duty of every member of the Internal Affairs Bureau (I.A.B.) shall be to insure the integrity of the Denver Police Department. They shall direct their efforts toward:
- a. Clearing the innocent.
 - b. Establishing the guilt of wrongdoers.
 - c. Facilitating prompt and just disciplinary action.
- 10.02** The Internal Affairs Bureau reports directly to the Chief of Police. Members of the Bureau shall have the authority and the responsibility to require any member of the Classified Service or any CSA employee of the Denver Police Department to make complete replies to official inquiries into the commission of improper acts or the omission of proper acts which might be in conflict with their duties and obligations as officers or employees of the City and County of Denver.
- 10.03** Members of the Internal Affairs Bureau will:
- a. Maintain a file of all disciplinary cases, together with separate index files for the names of police personnel and of complainants.
 - b. Immediately upon receipt of information that an investigation is being conducted, make entry in a suspense file of the same. Daily inspections shall be made of the file to insure that the investigations are being completed with reasonable speed.
 - c. Provide investigative assistance to commanding officers responsible for investigations when the complexity of the case justifies assistance from the Internal Affairs Bureau.
 - d. Make investigations independently of the command group when directed to do so by the Commanding Officer of the Internal Affairs Bureau.
 - e. Provide the Chief of Police, at intervals to be determined with a summary report of cases pending and cases adjudicated.
 - f. Critically examine all areas of police action wherein may lie a threat to the integrity of the department.

- g. Notify the Chief of Police immediately of grave matters involving the integrity of the department or when police personnel are accused or suspected of serious violations of the law.
- h. Make an investigation at the request of any member or employee of the department who feels threatened in any manner. Such persons are authorized to report their situations direct to the Chief of Police or the Commander of the Internal Affairs Bureau without reporting to their superiors.
- i. The Internal Affairs Bureau will give assistance to commanding officers engaged in a disciplinary investigation:
 - 1. On request, and
 - 2. When it is concluded that on the basis of available information assistance may be needed.
- j. The conclusion will be based on the seriousness of the alleged violation, the reputation of the accused person, and the investigative competence and spirit of the commanding officer in charge of the investigation.
- k. Prepare all documents necessary for disciplinary proceedings.

10.04 They shall conduct all inspections ordered by the commander of the bureau. When conducting any such inspection, all members of the Internal Affairs Bureau shall have the authority of and act for the Chief of Police.

[**11.00 DUTIES AND RESPONSIBILITIES OF CAPTAINS OR CSA DIRECTORS**

- 11.01** They will direct and supervise all planning and policy programs within their district or bureau. They will see to the coordination and follow-up of all programs originating from their district with the plans and policy of other districts or bureaus within the department.
- 11.02** They are responsible for the good order and sanitary condition of departmental buildings, or portions thereof within their command and for the furnishings and equipment assigned thereto. They are responsible for the proper care, economical use, efficiency and serviceability of departmental property issued for, or assigned to the use of members of their command.
- 11.03** They shall be responsible for the proper performance of duty on the part of each member under their supervision. They shall also be held responsible for the enforcement of all orders, rules and established procedure of the department, and the maintenance of police discipline.
- 11.04** All property owned or controlled by the department, whether for general usage or for the use by individual members of the department, shall be in the immediate custody of the commanding officer of the district to which it is assigned. They shall be held responsible for the proper and economical use and care of all such property.
- 11.05** They shall see that all necessary reports and other department transactions are dispatched promptly, and shall be held responsible for the accuracy thereof. Crimes of great magnitude or importance coming to their knowledge or attention shall be reported immediately to the Division Chief together with all facts pertaining thereto; a complete, written report shall follow.
- 11.06** They shall keep an accurate record of all departmental orders and see that they are read and carefully explained to all members under their supervision. All such orders issued for the guidance of members of the department must be posted on bulletin boards in every bureau of the department. They will frequently remind their personnel to read such orders.
- 11.07** They shall be responsible for the safe condition of cells and detention rooms, and the security of all parts of the station house which are designed for the safekeeping of prisoners.
- 11.08** The roll shall be called at the beginning of each tour of duty, and they shall see that the officers under their supervision are given all current information, orders, instructions, and advice.
- 11.09** They may establish minor rules and regulations for the government of the force under their supervision, consistent with the orders, rules, regulations, and established procedure of the department.

- 11.10** It shall be their duty to have inspected periodically all department equipment issued to members under their supervision to ascertain that each member possesses all of their equipment, and that same is in good condition.
- 11.11** They shall keep a record at the station house of the address and telephone number of each member under their supervision. They shall see that any change of address or telephone number of any member under their supervision is reported within twenty-four (24) hours. They shall cause such information to be forwarded to the Human Resource Management Bureau.
- 11.12** Complaints and charges relative to members under their supervision shall be carefully investigated. The results of such investigations shall be submitted to the Division Chief and the Internal Affairs Bureau for the Chief of Police.
- 11.13** They shall have the power to dispose of minor derelictions of duty or misconduct, a repetition of which, in their judgment, can be prevented by an oral reprimand.
- 11.14** They shall keep fully and accurately informed of political and other meetings and gatherings likely to attract large numbers of persons in their district, and shall take such steps as may be necessary to insure proper police services at such assemblages.
- 11.15** It shall be their responsibility to see that no unnecessary violence is used in the apprehension or detention of a prisoner. In the event of the injury or death of any prisoner, they shall make a thorough investigation and shall submit a detailed written report of the incident to their Division Chief.
- 11.16** District captains are responsible for police operations within their districts twenty-four (24) hours a day.
- 11.17** District captains are not relieved of their command authority or responsibilities, when the Chief of Police or the Division Chief of Patrol are present at the scene of major incidents. However, they will coordinate their operation with the Chief of Police and/or the Division Chief of Patrol.
- 11.18** They shall personally respond to civil disorders which, in the opinion of their field commanders or supervisors, are potentially or actually of such degree that riotous conditions prevail or may increase in intensity.
- 11.19** They shall have a lieutenant on duty in their district on Fridays and Saturdays on detail three (3) unless the captain is on duty on detail three (3).
- 11.20** They shall establish a policy that when officers are sent to another district command, a sergeant(s) will also respond to supervise the officers and assist the requesting command.
- 11.21** They shall instruct the on duty lieutenant and all available on duty sergeants to respond to all major disturbances and police confrontations within their respective districts, regardless of the sector to which they are assigned.

12.00 DUTIES AND RESPONSIBILITIES OF LIEUTENANT

- 12.01** When a lieutenant is the highest ranking officer of a district, bureau, section, or unit, they shall be governed by the rules, regulations, and procedures relating to commanding officers.
- 12.02** A lieutenant assigned to a district, bureau, section, or unit under the supervision of a captain, shall during the captain's tour of duty act as an assistant. In the absence of the captain, the senior ranking lieutenant shall be in charge of the district, bureau, section, or unit, unless otherwise directed. While acting in such capacity, they shall be subjected to and guided by the rules, regulations, and procedures of the commanding officers.
- 12.03** In the prolonged absence of the captain, the Chief of Police will designate a lieutenant in charge and they shall possess all the powers of a captain.
- 12.04** A lieutenant shall carry out all orders of the captain; however, if it is necessary in case of emergency to countermand any such orders, they shall report in writing to their commanding officer the reason for taking this action.
- 12.05** A lieutenant shall be charged primarily with the immediate supervision of all members of their district, bureau, section, or unit, and shall be held strictly responsible for the discipline, conduct, and efficiency of all such members, as related in the duties and responsibilities for supervisory officers.

- 12.06** They shall instruct subordinates in the proper performance of their duties, and when necessary, assist them in their investigation and in the preparation of court cases.
- 12.07** It will be the responsibility of the lieutenant to accomplish the administrative work, and supervise their respective detail. The duties will include, but not be limited to the following:
- a. Conduct roll call in a semi-military manner.
 - 1. Reading of the roll.
 - 2. Reading of all general orders and communications.
 - 3. Inspecting of the personnel; grooming, uniforms, and equipment.
 - b. Prepare a monthly personnel report in alphabetical order and submit it to the Division Chief of Patrol. (May be delegated to the district clerk if applicable.)
 - c. Keep time book, assign days off, award overtime, record vacations, accumulated sick leaves, military leaves, injuries, and sick days for their respective detail.
 - d. Prepare monthly performance summary.
 - e. Prepare and keep current all after action reports.
 - f. Assist the commander in all district and/or bureau planning.
 - g. See to the overall duty performance and follow-up of all programs and policy of their respective district or bureau.
 - h. It will be the responsibility of the lieutenant to assure the completeness and correctness of all reports before the reporting officer goes off shift.
- 12.08** Lieutenants will arrange sergeants' days off and vacation schedules in an attempt to provide a senior sergeant as officer in charge during their absence.

13.00 DUTIES AND RESPONSIBILITIES OF SERGEANT

- 13.01** A sergeant will adhere to all the duties and responsibilities for a supervisory officer.
- 13.02** They shall have immediate control of the personnel under their supervision and shall be held strictly responsible for their efficiency, discipline, appearance, and general good conduct. They shall be neatly dressed while on duty, and shall endeavor to set a good example for their subordinates at all times.
- 13.03** They shall thoroughly familiarize themselves with all applicable state and county laws, and with the rules, regulations and procedures of the department. They shall assist and instruct the personnel under their supervision in the proper performance of their duties, giving special attention to members serving their probationary period.
- 13.04** They shall demand respect and obedience from their subordinates at all times and shall not on any occasion indulge in unbecoming familiarities with them.
- 13.05** It shall be deemed neglect of duty and efficiency if they permit laxity and indifference to be shown by their subordinates in the performance of their duties. They shall not perform the specific duties of a subordinate when the member is available to perform such duty; however, they shall take proper action in all violations of law coming to their attention, as the enforcement of law and the preservation of life and property is the duty of all police regardless of rank.
- 13.06** They shall carefully observe the activities and capabilities of personnel under their supervision by devoting as much time as possible in the field to ascertain whether or not police duties are promptly and efficiently performed. They shall report in writing to their supervisor cases of misconduct, incompetence, neglect of duty, or violations of the rules, regulations and procedures on the part of such personnel; failure to so report same shall be considered neglect of duty.
- 13.07** At the end of their tour of duty they shall consult with the relieving sergeant advising them of matters requiring further investigation or action and any other information which should be drawn to their attention.

- 13.08** A district sergeant shall patrol their district, visiting each post as often as practicable, but not at stated intervals. They shall remain in their district during the entire tour of duty unless otherwise directed or when absent in necessary performance of police duty.
- 13.09** They shall frequently test and examine the officers under their supervision to ascertain their knowledge of the rules, regulations and procedures, and of all other matters pertaining to their duties such as names and addresses of owners of establishments, locations of safes and fire alarm signals, and other important data concerning persons, buildings, and streets on their posts.
- 13.10** Unless otherwise directed, they shall see that all personnel proceed directly to their posts or details without unnecessary delay. At the completion of their tour of duty they shall see that all personnel under their supervision are present or accounted for.
- 13.11** They shall not interfere with the routine work of another district, but violations of law committed in their presence must receive their immediate attention when the officer particularly responsible is not present.
- 13.12** A sergeant shall pay particular attention to all personnel assigned to special details under their supervision. Whenever practical, shall make the necessary provisions for the relief of such personnel when the length or nature of the detail is such that unreasonable personal discomfort would result if relief were not given.
- 13.13** They shall see that prompt service and proper returns are made on all summonses, subpoenas, writs, and other official papers.
- 13.14** They shall review all reports of crime committed in their districts.
- 13.15** They shall prepare and sign Officer's Performance Reports.
- 13.16** They shall administer all roll call training.
- 13.17** The sergeant shall assist the lieutenant in planning by apprising them of problems of personnel or situations.
- 13.18** When designated as acting lieutenant, the sergeant will perform the necessary duties of the lieutenant in their absence.

14.00 DUTIES AND RESPONSIBILITIES OF DETECTIVES

- 14.01** Officers assigned as detectives shall direct their best efforts in the prevention and suppression of crime and in the detection and apprehension of criminals. Under no circumstances shall they make public any information that might jeopardize the successful completion of the investigation or the apprehension of the perpetrator.
- 14.02** They shall follow the appropriate procedures outlined in the Operations Manual.
- 14.03** They shall follow current procedures in their contacts with the Identification Section.
- 14.04** They shall make requests for the examination of physical evidence to the Crime Laboratory Bureau.
- 14.05** In radio cars, they shall respond to and be responsible for all orders given to them by the dispatcher. The supervisory officers of the Criminal Investigation Division shall notify the dispatcher of broadcasts to be made to detective cars.
- 14.06** They shall report in person to the officer in command at the beginning of their tour of duty and at such hours as may be designated by the Division Chief, unless excused by their commanding officer. When a case engaging their attention prevents reporting in person, when attending court, or when detailed to a specific location for continuous service, they shall report by telephone at the time of arrival at such location and departure there from.
- 14.07** They shall interview the complainant without delay, properly identify themselves and if required consult with the complainant from time to time regarding the progress of the case until it has been officially closed.
- 14.08** They shall keep the officer in command informed on the progress of the investigation of cases assigned to them.

- 14.09 They shall include in their supplementary report the action on each case in which they performed any work. Each member of the Criminal Investigation Division shall make such daily, monthly or other reports required by the Division Chief.
- 14.10 When they receive assistance on an assigned case, they shall note such facts on their report so that the assisting officer may receive due credit. It shall be the duty of detectives to render assistance, when requested, to other members of the department, but they shall not interfere with or work independently upon any case except by direction of their commanding officer.
- 14.11 When detailed outside the City and County of Denver, they shall communicate with the Chief of the Criminal Investigation Division as may be necessary during their absence.
- 14.12 At the scene of a crime investigation, the ranking member of the Criminal Investigation Division shall be in charge of the immediate crime scene without regard to the rank of officers present from any other division. The detective shall not have either the responsibility or authority for the protection of the area, perimeter control, traffic direction, command post, or any other functions normally assigned to the Patrol Division.
- 14.13 Detectives shall request any needed assistance, or the assignment of patrol officers to their supervision, from the concerned Patrol Division command post officer, if one is present, or from the Patrol Division through the regular Chain of Command of that division.
- 14.14 If requested, they shall supply all available information about the case to the commanding officer of the Patrol Division then on duty.
- 14.15 They shall be responsible for the proper investigation of cases assigned to them.
- 14.16 They shall provide reasonably requested information and assistance to other divisions of the Police Department and maintain an efficient level of cooperation and coordination in affected areas.
- 14.17 They shall be responsible for maintaining close cooperation and friendly working relations between their bureau and other law enforcement agencies, as well as with the other divisions and bureaus within the Department.
- 14.18 They shall be responsible for the proper preparation of court cases and the competent presentation of evidence in court or at hearings.
- 14.19 They shall give their immediate attention to the interrogation of suspects jailed for investigation and will expedite the filing of formal charges or the release of the prisoner, consistent with sound investigation procedures.
- 14.20 They shall contact and maintain friendly relations with persons who are likely to be in a position to provide them with information of a confidential nature that would be helpful to them in the performance of their duties.
- 14.21 They shall make every effort to recover stolen property as reported in the cases assigned to them.
- 14.22 They shall interrogate all suspects jailed for investigation; take formal statements from such suspects where practicable; assemble evidence, and prepare case summary sheets and other forms that may be required for the filing of criminal cases through the District Attorney's Office before the courts.
- 14.23 They shall be alert for the occurrence of numerous or multiple crimes showing similarity in modus operandi or in the same general location indicating similar crime operations, and will advise their commanding officer of situations that may indicate a need for increased patrol or enforcement in specific areas.
- 14.24 They shall keep in mind the importance of establishing and maintaining lines of communication with members of the Patrol Division and that information will pass more readily in face to face contact situations such as roll call training sessions. Detectives are encouraged to appear at roll calls to give information about wanted persons, crime patterns and on-going investigations.
- 14.25 They shall attempt to notify crime victims any time there is a change in the status of their case and include the details in their supplemental report.

15.00 DUTIES AND RESPONSIBILITIES OF COMMUNITY RESOURCE OFFICERS

- 15.01** At the discretion of the Chief of Police, officers may be assigned as Community Resource Officers. Such officers shall have the rank of Technician.
- 15.02** The primary responsibility of Community Resource officer(s) is to encourage and enhance a positive relationship between the police and citizens.
- 15.03** Community Resource Officers shall be aware of community concerns about police service and will be available to assist in resolving conflicts between the police and the community.
- 15.04** Community Resource Officers shall encourage citizens to seek out police expertise in matters of mutual concern, such as crime prevention, Operation Identification, commercial, residential and personal security, and Neighborhood Watch.
- 15.05** Community Resource Officers shall be responsible for the follow-up investigation of public nuisance properties, as defined by section 59-2 (107.3) of the Denver Revised Municipal Code (D.R.M.C.), referred to them by other units of the police department, officers, citizens, or other city agencies.
- 15.06** Community Resource Officers shall keep the Nuisance Abatement Coordinator informed of all investigations under their purview and provide such information as is needed by the coordinator.
- 15.07** They shall be responsible to their immediate commanders for the carrying out of their duties, as they relate to their assignment. They will adhere to the guidelines, policies, and procedures established by the Deputy Chief of Operations and/or Division Chief of Patrol as they relate to Operation Identification, Neighborhood Watch, Problem Property and Nuisance Abatement, or other special duties or programs assigned.

16.00 DUTIES AND RESPONSIBILITIES OF TECHNICIANS

- 16.01** At the discretion of the Chief of Police, officers may be assigned as technicians to perform an auxiliary or line function.
- 16.02** This function may be in any division, bureau, section, or unit, and may require an officer with specific talent or training.
- 16.03** Officers assigned to specific duties as technicians must demonstrate initiative, resourcefulness, intelligence, alertness, observation, memory and judgment to a greater degree than is ordinarily required.
- 16.04** Technicians may be assigned to technical tasks, and shall continue their education, training and self-orientation efforts in order to advance in their specific science and art of police administration.
- 16.05** They shall strive to develop and disseminate improved administrative and technical practices and promote their use in police work.

17.00 DUTIES AND RESPONSIBILITIES OF PATROL OFFICERS

- 17.01** A patrol officer is responsible for carrying out the functions of the department, including the suppression of crime, the protection of life and property from criminal depredation, the apprehension and arrest of violators of the criminal and traffic laws, recovery of stolen property and the regulation of non-criminal conduct. They shall constantly direct their best efforts to accomplish that end intelligently and efficiently, and shall hold themselves in readiness at all times to answer the calls and obey the orders of their superior officers.
- 17.02** They shall be held strictly accountable for the good order of the post or beat to which they have been assigned for duty. They shall give their whole attention to their duties at all times.
- 17.03** They are responsible for the accomplishment of the total police mission on their beat or precinct. They shall constantly direct their best efforts toward the intelligent and efficient accomplishment of that end.
- 17.04** They shall become thoroughly familiar with the city, including bus routes, location of streets, highways, hospitals, bus depots, important industrial plants, factories, hotels, county, state and federal buildings, and offices, and shall acquire knowledge to enable them to render intelligent and helpful assistance, when requested.

- 17.05** They shall thoroughly familiarize themselves with their beat or precinct, learning the location of night telephones, fire-alarm boxes, streets, alleys and courts. They shall familiarize themselves with all public, business, office, and theater buildings and their entrances, exits and fire escapes.
- 17.06** They shall familiarize themselves with the people on their beat and in their precinct, learning as far as possible their names, characters, habits and occupations. They shall familiarize themselves with every form of activity on their beat or precinct, in order that they may be able to recognize any unusual or suspicious activity. They shall investigate at once, any such activity.
- 17.07** They shall at all times maintain an alert and business-like manner and a military bearing. They shall not conceal themselves except for some specific police purpose.
- 17.08** They shall during their tour of duty, faithfully, diligently and continuously patrol and inspect every part of their precinct or beat as often as possible, giving particular attention to and frequently re-checking locations where the crime hazard is great.
- 17.09** Insofar as possible, patrol officers shall not patrol their precinct or beat according to any fixed route or schedule, but shall alternate frequently and back-track in order to be in the location least expected.
- 17.10** They shall not, while on duty, loiter in or about the district stations or headquarters.
- 17.11** They shall not leave their beat or precinct during their tour of duty, except with the permission of their supervisory officer or upon urgent police business requiring immediate attention. They shall not, however, refuse to give assistance in the protection of persons and property near their beat or precinct, if called upon in any case requiring immediate attention. At first opportunity, they shall report to their supervisory officer the fact that they left their beat and the reason for doing so.
- 17.12** They shall request clearance on the air for eating and for coffee breaks and will state their location. If clear, the dispatcher will acknowledge and hold them on the air at their location.
- 17.13** They shall advise merchants regarding suitable crime-prevention and other security measures. They shall urge cooperation with the police in reporting all suspicious persons and situations.
- 17.14** They shall at night and during the time business houses are closed, exercise the greatest vigilance, giving particular attention to business houses and vacant or unoccupied buildings and dwellings, or residents of people who have requested police service. They shall frequently examine and try accessible doors, windows and gratings, and shall at once investigate all suspicious and unusual circumstances. In the daytime they shall examine in a like manner all vacant or unoccupied buildings and dwellings on their beat or precinct.
- 17.15** They shall be held accountable for failure to discover or report any doors or windows of business buildings which have been broken open, or have remained unsecured on their beat or precinct during their tour of duty.
- 17.16** They shall observe all persons whom they encounter and shall investigate any person whose appearance, conduct or presence seems suspicious.
- 17.17** They shall give particular attention to motor vehicles, being constantly on the alert for vehicles that have been stolen or used in the commission of a crime or that are improperly operated or illegally parked.
- 17.18** It shall be the responsibility of a patrol officer to take every lawful means to prevent the commission of a crime and to suppress all forms of commercialized vice on their beat or precinct during their tour of duty. They shall carefully observe all establishments suspected of commercialized vice and other places of a suspicious nature. They shall report to their supervisory officer those buildings or parts thereof which they suspect are being used in violation of any law or are the resorts of questionable or known police characters.
- 17.19** They shall give particular attention to pawnshops, second-hand dealers, junk dealers, pool halls, bowling alleys, dance halls, taverns, hotels and rooming houses, all-night eating places and all places where criminals are known to congregate. They shall use every lawful means to suppress the illegal activities of these people.
- 17.20** At locations where large crowds are assembled, patrol officers shall preserve order and prevent the commission of crimes, the blocking of traffic and the destruction or damaging of property.

- 17.21** They shall take notice of all nuisances, impediments, obstructions, defects or other conditions in or adjacent to the streets alleys and public places, which tend to endanger the health, safety, or convenience of the public.
- 17.22** They shall report all dead animals found upon public property to the dispatcher.
- 17.23** They shall report the location of traffic signal lights which are out of order and street lights that are not burning at a time when they should be in operation.
- 17.24** They shall immediately report any fire which they observe and shall respond to all fire calls within their beat or precinct. They shall only respond to a fire using Code 10 when ordered by radio.
- 17.25** They shall take into official custody property that has been lost, stolen or abandoned in accordance with departmental procedures.
- 17.26** They shall carefully investigate all complaints which are assigned to them or which are brought to their attention by citizens. They shall take police action in those cases which come under the jurisdiction of the police department.
- 17.27** Upon sight or receipt of information from any source of a serious accident, crime or other occurrence requiring police attention, a patrol officer shall immediately respond and give such assistance or take such police action as the circumstances may require.
- 17.28** All officers, who in the regular course of duty, investigate an accident of which a report must be given, shall after completing such investigation, and before going off duty, forward a written report of such accident to the police department.
- 17.29** At the completion of their tour of duty, a patrol officer shall file all reports concerning police business. The filing of these reports shall not be left until the following day.
- 17.30** A patrol officer shall investigate all cases assigned to them. They shall interview the complainant or informant concealing the complainant's identity from other parties. They shall do all in their power to satisfy all parties concerned. They shall report what action they have taken in detail.
- 17.31** They shall perform such other duties as may be assigned by their supervisor.
- 17.32** Out-of-service activities or other non-police functions shall be conducted only where telephone or radio contact is available and after the dispatcher has been notified. All such out of service activity is subject to the approval of the dispatcher or by approval of a supervisor.
- 17.33** In service calls shall be designated as such by the dispatcher. In service means subject to answering radio calls.
- 17.34** Officers receiving late calls within a few minutes of their relief time will take the call. With the knowledge and consent of their supervisory officer, these calls may be given to the oncoming shift. This procedure will apply to calls of a minor nature where a short delay will not jeopardize the proper handling of the call or cause unnecessary inconvenience for the complainant. The consenting supervisor will advise the dispatcher of the action taken.
- 17.35** They shall remain in their respective precincts until fifteen minutes before the end of their shift. They shall remain in service on the air until relieved by the oncoming shift.
- 17.36** When patrol officers are scheduled to appear in court, they shall notify their commanding officer prior to roll call so that arrangements can be made, if possible, for their relief during this period.
- 17.37** Court appearances shall be handled by one officer of a two officer assignment where such procedures do not jeopardize the best prosecution of the case.
- 17.38** Two officer assignments shall, under no circumstances function without both officers present until notification has been made to the dispatcher.
- 17.39** Officers shall promptly answer and execute all orders from the dispatcher. Any member of the Patrol Division who receives such an order and doubts its legality shall carry out the order and contact their supervisory officer and explain the circumstances.
- 17.40** When officers have received a missed call as outlined in Section 102.02(5), they shall prepare a written report in duplicate explaining the conditions under which the call was missed. Both copies of the report shall be delivered to their supervisory officer, who shall forward one copy to the appropriate Division Chief.

- 17.41 When it becomes necessary for an officer to go to their district station for the purpose of making a report or for any other reason, they shall immediately notify the dispatcher and remain in service and subject to call.
- 17.42 In unusual or emergency situations where a supervisory officer is not present, the senior officer is in charge.
- 17.43 An officer temporarily filling the position of a supervisory officer in an acting capacity shall be vested with all the authority and responsibilities of the supervisor, but the acting officer shall not interfere with, countermand or modify the orders previously issued by the supervisory officer, except in extreme emergency. Officers so assigned, when called upon to affix a signature to any official paper or report, shall use only their official title and never sign as an acting officer of a higher rank.
- 17.44 Officers dispatched on calls and directed to stay on the air will be regarded as in service and are subject to call.

18.00 DUTIES AND RESPONSIBILITIES OF DISTRICT CLERKS

- 18.01 District clerks, both sworn and non-sworn personnel, are directly responsible to the command or supervisory officer of the detail to which they are assigned.
- 18.02 They shall receive and write reports and carry out other duties as directed by the commanding or supervisory officer.
- 18.03 They shall answer promptly all telephone communications in a manner prescribed by policy and procedure, and should analyze calls to determine if a supervisory or command officer should handle them.
- 18.04 They shall not transfer telephone calls that concern the Police Department to another office unless absolutely necessary, but should handle the call, make a General Occurrence (GO) report, if applicable, and refer information to the proper officer or bureau. When giving counter reports to citizens, they shall advise the citizen that a counter report is for incidents occurring in the City and County of Denver. See OMS 109.02 (2), DPD 250.
- 18.05 They shall not handle or receive information in reference to complaints on police officers but should immediately direct the call to the Internal Affairs Bureau, or to a supervisory or command officer. If neither is available, the caller should be advised to call or appear in person at the Internal Affairs Bureau.
- 18.06 They shall give special attention to those citizens appearing at the district station or at headquarters in person, and shall handle their request for service expeditiously and in the manner and bearing as prescribed in rules and regulations.

19.00 DUTIES AND RESPONSIBILITIES OF THE SUPERINTENDENT OF RADIO ENGINEERS

- 19.01 The Superintendent of Radio Engineers shall be the commanding officer of the Electronic Engineering Section and as such will report directly to the commander of Denver 911. The superintendent shall be subject to and be guided by all the duties and responsibilities of the command and supervisory officers of the Denver Police Department as stated in all official manuals and written orders of the department. The superintendent shall be responsible for the efficient operation of all radio communications equipment of the Denver Police Department and for that radio communications equipment described in the Mayor's Executive Order #18A. The superintendent shall be responsible for the planning necessary to keep all radio systems up to date, for the planning to insure procurement and growth as necessity demands. The superintendent shall prepare an annual budget in the prescribed manner and present it to the Division Chief of Research, Training, and Technology when requested.
- 19.02 The Superintendent shall assign one or more Radio Engineers or Radio Electronic Technicians to the Radio Repair Shop. The Superintendent shall direct and control the installation, operation, maintenance and repair of radio broadcasting and receiving equipment.
- 19.03 They shall at all times abide by the rules and regulations of the Federal Communications Commission, and shall require radio operators to do likewise.

20.00 DUTIES AND RESPONSIBILITIES OF RADIO ENGINEERS

- 20.01** Radio Engineers are under the direct control of the Superintendent of Radio Engineers
- 20.02** During their tour of duty each engineer shall be responsible for the efficient operation of the transmitter and all auxiliary equipment of the radio transmitter station as directed by the superintendent of radio engineers.
- 20.03** When the radio repair shop is closed, any Radio Engineer or Radio Electronic Technician so notified shall respond to the repair shop, or any other place, as directed by either the Superintendent of Radio Engineers or the ranking officer in Denver 911, to make necessary repairs of communications equipment.

21.00 DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE OFFICER OF THE POLICE RESERVE UNIT

- 21.01** The executive officer of the Reserve Unit shall be appointed by the Chief of Police from the classified service and shall serve at the pleasure of the Chief of Police. The executive officer shall be responsible to and under the control of the Division Chief of Patrol.
- 21.02** The staff of this organization shall be appointed by the executive officer and shall serve at the pleasure of said officer.
- 21.03** It shall be the duty of the executive officer to call and preside at all meetings of this organization, to appoint all special committees, to supervise, train, discipline, organize and promote harmony within this organization and it shall be incumbent upon the executive officer to see that the rules and regulations of this organization are enforced.
- 21.04** The executive officer shall have custody of all property that may be assigned to the Police Reserve Unit.
- 21.05** The executive officer shall have control, management, and direction over all members of the Police Reserve Unit with the authority to detail any member to such service as may be necessary to complete the police mission, together with the power to suspend any member for insubordination or dereliction of duty.
- 21.06** The executive officer shall maintain complete records, coordinate all activities and establish such courses of instruction as deemed necessary for the efficient operation of the Police Reserve Unit.
- 21.07** The executive officer shall be cognizant of the scheduling of parades, exhibitions, and other crowd attracting events that are to take place within the city, and advise the commanding officer of the Special Operations Division accordingly. The executive officer will prepare details, make assignments, and provide adequate information to personnel assigned for all such activities.
- 21.08** The executive officer shall correlate the assignment of personnel of the Police Reserve Unit to traffic functions in cooperation with the approval of the commanding officer of the Special Operations Division.

22.00 DUTIES AND RESPONSIBILITIES OF NEIGHBORHOOD POLICE OFFICERS

- 22.01** Neighborhood Police Officers shall take a comprehensive, generalist approach to police work while focusing on enhancing the safety and quality of life in their assigned neighborhood and their Patrol District.
- 22.02** Neighborhood Police Officers shall be the main point of contact for their assigned neighborhood with the Police Department and Patrol District.
- 22.03** Neighborhood Police Officers shall develop and maintain a relationship with residents and businesses in their assigned neighborhood.
- 22.04** Neighborhood Police Officers shall identify and prioritize problems, utilizing both law enforcement experience and community input, and with the community, develops plans to address problems.
- 22.05** Neighborhood Police Officers shall participate in crime prevention activities as determined by the Neighborhood Police Officer, the officer's supervisor, and the community.
- 22.06** Neighborhood Police Officers shall communicate effectively with the community and other police officers.

- 22.07** Neighborhood Police Officers shall support District and Department activities when an urgent need arises or when instructed to do so by supervisory officers.
- 22.08** Neighborhood Police Officers shall maintain a working knowledge of available resources, and communicate to other officers and the community how to access those resources.
- 22.09** Neighborhood Police Officers shall be available, in a timely manner, by pager to assigned neighborhood residents and businesses, unless excused from this responsibility by the Neighborhood Police Officer's supervisor.
- 22.10** Neighborhood Police Officers shall document and manage project reports pertaining to problems within the Neighborhood Police Officer's assigned neighborhood. These project reports will track referrals to other agencies and units within the police department.
- 22.11** Neighborhood Police Officers shall contribute to the Patrol District nuisance files in a timely manner.
- 22.12** Neighborhood Police Officers shall communicate accurate information regarding crime trends and other public safety issues in a timely manner.
- 22.13** Neighborhood Police Officers shall attend all regularly scheduled neighborhood meetings unless excused in advance by a supervisory officer.
- 22.14** Neighborhood Police Officers shall attend all regularly scheduled store front hours unless excused in advance by a supervisory officer.

23.00 DUTIES AND RESPONSIBILITIES OF POLICE RESERVE OFFICERS

- 23.01** The Denver Police Reserve Unit is an all volunteer, unpaid program whose purpose is to augment the field strength of the department.
- 23.02** Reserve officers serve at the discretion of the Chief of Police. Service as a police reserve officer neither possesses or acquires any employment right or benefit either through the Denver Police Department, or the Denver Civil Service authority. Service in the Reserve Program does not in any way guarantee acceptance in the future into the lateral/reserve entry program of the Denver Police Department.
- 23.03** Police Reserve Officers are permitted to exercise police authority and carry firearms only when in uniform and on an authorized assignment.
- 23.04** Reserve officers are subject to all Department Rules and Regulations, Operations Manual provisions and orders and directions of full time regular Denver Police Officers.
- 23.05** Status as a reserve officer can be terminated at any time for violation of any rule, regulation, policy, procedure, or law; for unsatisfactory or substandard performance or anytime the department deems necessary. Termination from the reserve program is not subject to appeal. Any expense or cost incurred by reserve officers as part of service in the Reserve Program will not be reimbursed upon termination.

24.00 DUTIES AND RESPONSIBILITIES OF FIELD INSTRUCTORS

- 24.01** At the discretion of the Chief of Police, officers may be assigned as field instructors to perform a training mission within the line functions of the department.
- 24.02** Officers assigned as training officers shall perform that required training function in conjunction with the duties of their field assignment, and shall be responsible for all duties and responsibilities of patrol officers.
- 24.03** Officers assigned to act as field instructors, should be working examples to the trainees assigned. They should demonstrate initiative, resourcefulness, intelligence, alertness, observation, judgment and professional bearing to a greater degree than is ordinarily required
- 24.04** They shall be thoroughly familiar with the Operations Manual and departmental policy. They will develop and demonstrate a thorough professional knowledge of police work and promote the best police practice to the officers they are assigned to train.

- 24.05** Field Instructors, also known as Field Training Officers (FTO's), shall evaluate those probationary officers assigned to them by completing Daily Observation Report, DPD 292, and End of Phase Evaluation, DPD 292B. See OMS 503.04 (2) b.
- 24.06** Field instructors, upon their approval will sign and be responsible for reports written by probationary officers that require the signature of a reviewing or approving officer. (i.e. Traffic Accident Reports, General Occurrence {GO} reports, etc.)
- 24.07** When an officer, other than a probationary officer, is assigned for retraining, the training officer shall be in charge regardless of seniority.

25.00 DUTIES AND RESPONSIBILITIES OF AIRPORT POLICE

- 25.01** The commanding officer of the airport police shall be responsible to the Division Chief of Special Operations, and shall be accountable for all aspects of police service rendered by the Denver Police Department.
- 25.02** The commanding officer has direct supervision and control over all Denver Police Officers and all CSA employees of the Department assigned to their command. They shall coordinate their functions and activities of their assignments with the FAA, FBI, and the appropriate personnel employed by Denver International Airport.
- 25.03** Officers assigned to Denver International Airport shall perform the duties set forth by the commanding officer. Officers assigned to concourse screening will remain available to respond to screening area alarms within the time limit required by FAA rules and the procedure established by the commanding officer. They will be free of this responsibility only when properly relieved for breaks and shift change.

26.00 DUTIES AND RESPONSIBILITIES FOR THE DENVER POLICE DEPARTMENT PSYCHOLOGIST

- 26.01** The Police Psychologist will provide voluntary and confidential services to all Denver Police Officers and their families.
- 26.02** The psychologist will provide management consultation to administrative personnel regarding psychological issues, implementation of programs and employee concerns.
- 26.03** Psychological instruction will be provided, as required, to members of this department in recruit training, supervisory training and specialized schools.
- 26.04** The Psychologist will provide psychological consultation in cases of barricaded suspects and hostage situations, at the request of the commander in charge of the field emergency.
- 26.05** The psychologist will supervise the Peer Support Project of the Denver Police Department and other future services of a psychological assistance nature that are approved for this Department by the Chief of Police.

27.00 DUTIES AND RESPONSIBILITIES OF THE SECONDARY EMPLOYMENT ADMINISTRATOR

- 27.01** The Administrator of the Office of Secondary Employment is assigned to the Civil Liability Bureau and is responsible, through the chain of command, to the Chief of Police.
- 27.02** The Administrator is responsible for the control of all off duty work requiring police authority. This office will handle the arrangements for Secondary Employment when a request is made.
- 27.03** The Administrator will establish and maintain the following lists:
 - a. Contractors who have lost their approval or who have been specifically denied.
 - b. Those officers who work secondary employment and the name of the contractor.
 - c. Officers of all eligible ranks desiring to perform secondary employment.

28.00 DUTIES AND RESPONSIBILITIES OF THE UNDERWATER RECOVERY TEAM

- 28.01** The Underwater Recovery Team is comprised of sworn personnel from all divisions of the Denver Police Department who are trained and certified volunteer divers. It is coordinated by the Division Chief of Patrol.
- 28.02** The Underwater Recovery Team shall consist of a Team Leader, an Assistant Team Leader and as many additional qualified divers as are necessary to provide the needed services.
- 28.03** The Team Leader shall be appointed by the Division Chief of Patrol and shall be in charge of the Team and its activities, regardless of the rank of the other divers on the team. In his absence, the Assistant Team Leader shall be in charge.
- 28.04** The primary mission of the Underwater Recovery Team shall be the recovery of evidence in investigations in which the Denver Police Department has primary jurisdiction.
- a. The Team will assist other agencies when such assistance has been requested and approved by the Division Chief of Patrol.
 - b. The Team will perform such other underwater tasks as the Division Chief of Patrol may assign.
- 28.05** Officers who are members of the Underwater Recovery Team shall be responsible for providing their own equipment. They are also responsible for any routine maintenance or repairs and replacement, should the equipment be damaged, lost or stolen.

29.00 DUTIES AND RESPONSIBILITIES OF THE NUISANCE ABATEMENT COORDINATOR

- 29.01** The position of Nuisance Abatement Coordinator will be filled by a sworn officer of the Denver Police Department who has attained the rank of Captain or Lieutenant.
- 29.02** The coordinator will manage the Nuisance Abatement Team, which consists of sworn officers of the rank of Detective and administrative support personnel.
- 29.03** The Office of Nuisance Abatement Coordinator shall perform the designated responsibilities with respect to Denver Revised Municipal Code (D.R.M.C.) 37-5 and other relevant ordinances and procedures related to the abatement of public nuisances, as determined by the Manager of Safety.
- 29.04** The Nuisance Abatement Coordinator shall work with representatives from Building Inspection, Excise and License, Fire Department, Public Health, Denver Department of Human Services (D.D.H.S.), District Attorney's Office, City Attorney's Office, Health and Hospitals Housing Code Enforcement, Zoning Administration, Neighborhood Support Services, and other agencies as needed.

30.00 DUTIES AND RESPONSIBILITIES OF THE JUVENILE INTAKE UNIT

- 30.01** Maintain the Juvenile Intake Log.
- 30.02** Fingerprint and Photograph juvenile suspects.
- 30.03** Coordinate with Denver Department of Human Services (D.D.H.S.) to obtain placement of status offenders and juveniles being detained pending release to parents.
- 30.04** When the Missing and Exploited Persons Unit (M.E.P.) is closed, personnel will take reports on runaways and missing persons.
- 30.05** Provide information and assistance on juvenile arrests to officers and supervisors.
- 30.06** Transport juveniles from Juvenile Intake to Gilliam Youth Center.

31.00 DUTIES AND RESPONSIBILITIES OF HIGH SCHOOL RESOURCE OFFICERS

- 31.01** Officers assigned as High School Resource Officers will act as a law enforcement liaison / consultant / representative with students, faculty, school staff, administration, parents and the school community. They will also provide a liaison between the school and the criminal justice system, including the police department, the courts and corrections personnel for all crime-related incidents involving students or school staff.

- 31.02** High School Resource Officers will contribute to the positive police / school / community relations efforts, especially as these efforts relate to students and parents.
- 31.03** They will maintain high visibility and take the initiative to interact with students and staff, serving as professional and positive role models.
- 31.04** High School Resource Officers will coordinate with the Denver Police Explorer Scout Post and the Denver Police Recruitment Unit to encourage students to pursue careers in law enforcement.
- 31.05** They will assist in the prevention and control of crime (including traffic violations), delinquency and disorder on the campuses and, when students are involved, in areas in the immediate vicinity of school campuses.
- 31.06** High School Resource Officers will differentiate between disciplinary issues and crime problems and respond appropriately. Denver Police Officers will not intervene in concerns that are solely in violation of Denver Public School rules or policies. The city will not accept liability when officers are acting outside the limits of their police authority or duty, such as enforcing rules made in the interest of the Denver Public Schools.
- 31.07** High School Resource Officers will take appropriate law enforcement action when needed, in accordance with existing law, conducting preliminary investigations of suspected criminal activity involving students and school personnel, or incidents on school grounds. They will complete follow-up investigations when appropriate, or refer the matter to the appropriate bureau or unit.
- 31.08** They will assist the faculty and administration in the development of emergency management plans for the school population, in an effort to minimize the potential for injury or damage in the event of a crisis situation.
- 31.09** High School Resource Officers will mediate potentially violent conflicts between students, parents and faculty and will direct students and/or parents to the appropriate resource for non-criminal issues.
- 31.10** High School Resource Officers will participate in Law Related Education and will ensure that a variety of personal safety and information classes are made available to the students.
- 31.11** They will coordinate all available resources, including parents, the community, the government, the juvenile justice system, and Denver Department of Human Services (D.D.H.S.) to identify issues and solve problems.
- 31.12** High School Resource Officers will coordinate with the Denver Public School administration and security.
- 31.13** They shall keep the appropriate District Captain apprised of any information which would impact patrol staffing, including planned events or suspected gang situations.
- 31.14** High School Resource Officers may be asked to work with the high school's respective feeder schools on a limited basis, as needed. These will include both middle and grade schools in the district.
- 31.15** They will appear in court and assist in prosecution and other judicial processes, as appropriate.
- 31.16** They will assist in the coordination of other enforcement agencies on the campuses.
- 31.17** Upon consultation with the school's principal or designee and the officer's commander or designee, a High School Resource Officer may be assigned to attend selected extracurricular activities, such as Parent Teacher Association meetings, athletic events or dances. The Officer assigned to the extracurricular activity is in no way intended to supplant the need for normal security measures which may include the hiring of off-duty officers.
- 31.18** High School Resource Officers shall perform other duties as assigned by the police department and/or the school's management, by mutual agreement of the school administrative personnel and the officer's commander.

32.00 DUTIES AND RESPONSIBILITIES OF THE COMMUNITY POLICING COORDINATOR

- 32.01** Assist the Chief of Police with any work request.
- 32.02** Assist any member of the senior command staff with work requests involving community oriented policing, including, but not limited to the Strategic Plan, problem solving, prevention and partnership activities.

- 32.03** Attend senior command staff meetings.
- 32.04** Attend the COPS meetings.
- 32.05** Liaison with other agencies for the purposes of creating partnerships that promote the Vision, Mission and Values of the Denver Police Department.
- 32.06** Maintain active membership in the advisory committee for the Colorado Regional Community Policing Institute, (CRCPI), TRIAD the commission for the Aging and any other group required by the Chief of Police as his/her representative.
- 32.07** Solicit data regarding community-involved or problem oriented police work from officers for the purpose of grant reporting and publication.
- 32.08** Create the annual C.A.B.L.E. Policing Report.
- 32.09** Edit the C.A.B.L.E. newsletter.
- 32.10** Revise the "Resource Guide for Police Officers" and the "Resource Guide for Citizens" every two years.
- 32.11** Track time spent in community policing. Prepare an annual report for the senior staff.
- 32.12** Complete Strategic Plan tasks allocated to the Offices of Chief of Police and Deputy Chief of Operations.
- 32.13** Coordinate and collate the Strategic Plan Progress Reports for the Advisory Committee's co-chairs: The Deputy Chiefs of Administration and Operations; set up the annual meetings; invite committee members; assist the co-chairs with any request involving this topic.
- 32.14** Train groups regarding community policing/problem solving, for example, the Citizen's Academy, Reserve Officers and employees of other city agencies.
- 32.15** Constantly seek opportunities to further the Department's Vision, Mission and Values.

33.00 DUTIES AND RESPONSIBILITIES OF CORPORALS WITHIN THE PATROL DIVISION

- 33.01** Officers assigned as a Corporal in the Patrol Division shall perform all of their required functions in conjunction with the duties of their field assignments and shall be responsible for all duties and responsibilities of Field Instructors and patrol officers.
- 33.02** When serving as an Acting Sergeant, Corporals are directly responsible to a supervisory or command officer and are charged with exacting the proper performance from all members and subordinates under their control.
- 33.03** The primary responsibility of a Patrol Corporal is training in the role of Field Instructor. The immediate supervisor of the Corporal must take into consideration the demands of Field Training and plan accordingly.
- 33.04** In the absence of a supervisor, Corporals shall assume command and control of crime scenes, crimes in progress, vehicular pursuits and all other critical incidents.
- 33.05** They shall see that their subordinates make all required reports promptly and such reports shall be accurate, complete and on the proper forms.
- 33.06** In the absence of a Sergeant, the Corporal shall sign and be responsible for reports written by officers that require the signature of a reviewing or approving officer (i.e., Traffic Accident Reports, General Occurrence {GO} Reports, etc.)
- 33.07** They shall administer roll call training.
- 33.08** They shall assist Sergeants with event planning and preparing a police response.
- 33.09** They will assist with shift operations by reporting personnel issues or articulating situations needing resolution to their supervisor or commander.
- 33.10** When designated as Acting Sergeant, Corporals will perform the necessary duties of the Sergeant.
- 33.11** The Corporal must accept responsibility in matters not covered by hard and fast rules of procedure.

- 33.12** They are not only responsible for their own conduct and performance of police duties, but for that of subordinates as well. They shall set an example in sobriety, dignity, courtesy, discretion, initiative, industry, diligence, truthfulness, courage, attention to duty and the observance of proper discipline. They shall at all times, appear neatly attired and clean in person and equipment.
- 33.13** They shall have the particular responsibility to maintain rigid police discipline and cause to be investigated all complaints of misconduct, incompetence, neglect of duty or violations of the rules and regulations. They shall report these circumstances immediately and in full detail to their supervisor or commanding officer in accordance with the departmental rules of discipline.
- 33.14** They shall be held strictly accountable for the efficiency, good conduct, and appearance of the subordinate officers under their supervision.
- 33.15** If they observe or are informed of any willful neglect of duty or misconduct by an employee or member not assigned to their command they shall, except where the reputation of the department and welfare of the community demands immediate direct action, bring it to the attention of a supervisory officer of the member or employee, who shall immediately investigate the matter to determine the facts and make a written report of their findings to their commanding officer.
- 33.16** They are responsible for the proper execution of orders by their subordinates. The mere fact that an order has been given does not satisfy the Corporal's duty to ensure that the order is executed.
- 33.17** Communications, orders and directives emanating from the Chief of Police or a commanding officer, and all requests for assistance from one division or bureau to another, shall follow the chain of command, except in emergencies where the element of time renders this procedure impractical and ineffective in the proper and expeditious performance of police duties.
- 33.18** They shall exercise direct command over lower ranking officers outside their usual command in all situations where the police purpose or the reputation of the department is jeopardized. However, they shall not unnecessarily give orders to subordinates who are not assigned to their command. Whenever orders that are given are of sufficient importance to require the subordinate receiving them to leave their regular post or assignment the officer giving the orders shall, as soon as practicable, inform the subordinate's commanding officer of the action taken.
- 33.19** They shall follow the departmental rules of discipline and disciplinary procedures in all cases of misconduct on the part of their subordinates.
- 33.20** They shall make an impartial written report to their supervisor or commander in every case of misconduct, incompetence, neglect of duty, or violation of the rules and regulations on the part of a subordinate, and failure to do so shall be deemed neglect of duty.
- 33.21** They shall familiarize themselves with all police procedures, general orders, rules and regulations, city ordinances, and state and federal laws, so that they may be competent to advise and instruct subordinates in the proper performance of their duties.
- 33.22** They shall give particular attention to the morale of subordinates and shall do their utmost to promote harmony among the ranks.
- 33.23** They shall exercise their authority with kindness, firmness, justice, and reason.
- 33.24** When an officer has performed some meritorious police service, Police Corporals shall submit to their supervisor or commander a written factual report of the case and make such recommendations, as they deem proper. See 503.03.
- 33.25** They shall, before starting their tour of duty, study all directives carefully, and shall familiarize themselves with police problems which have emerged since their last tour of duty.
- 33.26** They shall call all matters of importance to the attention of their supervisor or commanding officer.
- 33.27** They shall, when completing their tour of duty, inform the supervisory officer coming on duty of any significant event which has occurred during the previous tour of duty.
- 33.28** They shall be responsible for the treatment of prisoners in their custody and under no circumstances shall they permit unnecessary force to be used.
- 33.29** When a prisoner is in need of medical attention, they shall take steps to make it available.

- 33.30** When available they shall personally respond to any emergency or occurrence of a serious nature and shall take personal command in cases that come under the jurisdiction of the Patrol Division until such time as superior officer assumes command.
- 33.31** The presence of a supervisory officer or another officer having command authority shall not in any way relieve them from responsibility and duties regularly assigned to them. They shall in such instances assist and supervise subordinates under the direction of the officer in command.
- 33.32** They shall assist and instruct the officers under their supervision in the proper discharge of their duties.

34.00 DUTIES AND RESPONSIBILITIES OF COMMANDERS OF POLICE

- 34.01** Commanders shall exercise such powers connected with their position as may be provided by ordinance, charter or Department policy. Commanders are responsible for the proper and efficient enforcement of all laws and ordinances, which the police department is authorized to enforce within their area of responsibility. Commanders shall also enforce Departmental rules, regulations, policies and procedures.
- 34.02** Commanders shall be guided by the Mission, Vision, Values, and Goals of the Department and also by the Strategic Plan of the Department as the foundation for their decision making, management and leadership of their commands.
- 34.03** Commanders shall carry out the general policies and orders of the Chief of Police and perform any and all duties assigned by the Chief of Police or his designee.
- 34.04** Commanders shall maintain strict unity of command. They shall exercise control over all members of their divisions to the end that the duties and responsibilities of their particular segment of the total police mission shall be promptly and efficiently performed and discharged.
- 34.05** Commanders are responsible for all police operations, within their respective area of responsibility, twenty-four (24) hours per day, unless granted leave by their Division Chief. Commanders shall organize and direct their commands for the efficient operation of all police service within their respective area of responsibility. Commanders shall so regulate their command that, at all times during their absence, it shall be under the command of a competent officer not lower in grade than a Lieutenant.
- 34.06** Commanders are responsible for staying abreast of all issues that may impact their area of responsibility, both internally and within the community and shall keep their superiors informed of issues in a timely manner. Commanders will focus their attention on the effective and efficient delivery of police service within their area of responsibility.
- 34.07** Commanders shall provide vigorous and positive leadership in accomplishing the Department's goals and advancing the programs and mandates of their superiors.
- 34.08** Commanders shall be responsible for the accurate dissemination of information from the senior command staff to their own subordinates. They are also responsible for supporting and implementing policies, procedures and programs, established by the Department, within their area of responsibility.
- 34.09** Commanders must be actively involved in problem solving for all issues and concerns within their area of responsibility. Commanders will formulate solutions to problems and coordinate an effective response.
- 34.10** Commanders shall exercise control over all members assigned under their command to the end that the duties and responsibilities of their particular segment of the total police mission shall be promptly and efficiently performed and discharged.
- 34.11** Commanders shall be responsible for all Department resources and reporting requirements (personnel, materials, equipment and money) assigned to their area of command and for their efficient and economical utilization toward the accomplishment of the police mission.
- 34.12** Commanders shall be responsible for the strict discipline, morale, necessary and proper training, safety, conduct, work performance and assignment of all Department employees under their command. They shall coordinate the efforts of all officers of their command toward achievement of police objectives, eliminating friction, criticism and inefficiency. They shall promote harmony and always concern themselves with the care and welfare of their personnel.

- 34.13** Commanders shall take proactive measures to identify performance deficiencies of personnel under their command and they will develop and implement effective interventions to correct subordinate performance or behavioral issues or problems and initiate disciplinary action when appropriate. They shall monitor the Early Identification and Intervention System (EIS) and identify subordinate personnel within their command who exhibit performance or behavior contrary to the mission, vision, values, goals, policies or procedures of the Department.
- 34.14** Commanders shall investigate, or cause to be investigated, all complaints of misconduct, incompetence, neglect of duty, or any violations of Department policy or Rules and Regulations on the part of anyone under their command as specified in OMS 503.01. Commanders shall assure that all evidence relating to alleged offenses is discovered and properly documented.
- 34.15** Commanders shall, without specific instructions, establish the required details and assignments necessary to carry out the functions of the police department, and of their command in particular. They shall be guided in their assignment of personnel by the number of officers available to them for assignment, and the necessity for assigning officers where they will be the most useful and efficient. They shall approve the monthly details to assure that they are adequately supervised and that the assignments are properly filled.
- 34.16** Commanders, as far as possible, shall anticipate emergencies and formulate procedures to be used in the event of such procedures.
- 34.17** Commanders shall be responsible for the planning and execution of programs designed to prevent and suppress crime and traffic accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and solve problems of concern to the department.
- 34.18** Commanders have the authority to promulgate orders to their subordinates as provided in the Operations Manual and Rules and Regulations of the Department.
- 34.19** Commanders shall make inspections of their area of responsibility, personnel, facilities, and equipment at irregular intervals and hours of the day and night.
- 34.20** They will continually study obstacles and critically observe procedures affecting the police service under their direct control so that they may recommend and implement changes designed to increase their effectiveness.
- 34.21** They shall critically observe procedures affecting the operation of their assignment, recommending changes designed to increase their effectiveness.
- 34.22** Commanders will draft policies and procedures for review and approval by the Chief of Police related to issues and concerns within their respective areas of responsibility. They will make suggestions that are in the best interest of the Department.
- 34.23** Commanders shall confer with their respective Division Chief, Deputy Chief or the Chief of Police before taking any of the following actions:
 - 34.24** Making important changes in the organization of their command.
 - 34.25** Making important changes in operating procedure.
 - 34.26** Leaving the city for a longer period than the normal weekly relief.

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117.00 Police Department Employee Rights

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118.00 Biased Policing Policy and Criminal Intelligence Information

118.01 Policy Statement

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119.00 Use of H.A.L.O. (Closed Circuit Television

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100.00 - PATROL DIVISION AND GENERAL PROCEDURES

101.00 Purpose of Procedures

- (1) To provide an official guide, outlining the mechanics to be employed or "How to Do" for many of the routine operations that confront the police department.
- (2) To provide efficient methods and high standards of procedure which are to be recognized as official policy and applied on a department-wide basis. The nature of police service is such that it is impossible to develop a procedure or plan for every situation that might arise. Therefore, commanding and supervisory officers have the duty of thoroughly reviewing the activities of subordinates as they must assume the ultimate responsibility for defects and weaknesses in police work.
- (3) Procedure Section to be used as a Guide
 - a. The Procedure Section of the Operations Manual will be used as a guide in performing various departmental tasks. Personnel will not deviate from procedure except when absolutely necessary and in these instances they must be able to justify such change in procedure.
 - b. Procedures will be issued by authority of the Chief of Police through departmental channels.
 - c. Command and supervisory officers will thoroughly acquaint themselves with all procedures. They shall thoroughly explain all procedures to members of their command.
 - d. The Chief of Police may cancel, revise, amend or add to any procedure when deemed the same to be necessary. Officers may request change in procedure by submitting a memo to the Chief of Police or the Chief's Office of Planning, Research and Support stating reasons why such change is necessary or desirable.

101.01 Distribution of Patrol Service

- (1) Patrol service is provided continuously 24 hours per day for the entire City and County of Denver.
- (2) For the purpose of providing patrol service, the City is divided into areas designated as districts. Each district has a station house, a complement of officers and a number of radio-equipped patrol cars.
- (3) Each district is divided into a number of radio car patrol precincts.
- (4) District Commanders may regulate the duty hours of their personnel complement for the purpose of maximum patrol coverage during periods of peak service demands. This is accomplished only with the approval of the Deputy Chief of Operations.
- (5) District Commanders may detail personnel to civilian clothes assignments within their districts, or on request to other bureaus or districts. This is also done only with the approval of the Deputy Chief of Operations.

101.02 Basic Tasks of Patrol Division

- (1) To conduct preliminary investigations into all crimes brought to the attention of the police or observed by the officers of the division.
- (2) To complete and submit a proper report describing in detail the results of such investigations before the end of their shift.
- (3) To perform follow-up investigations as directed by proper authority.
- (4) To investigate and report all accidents, motor vehicle and other, occurring within their jurisdiction.
- (5) To make physical arrests of suspects or persons charged on warrants and to report such action on proper reports.
- (6) To take enforcement action in any case where a traffic law or ordinance is violated, including parking violations.
- (7) To perform miscellaneous services for the public as needed and permitted by proper authority.

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- (8) To generally supervise the jurisdiction, taking proper measures to insure the peace and tranquility of the community and to protect life and property.
- (9) To provide for the transportation of all arrested persons from the location of the arrest to the Headquarters Complex, District Station or the Van Cise-Simonet Detention Center.
- (10) To provide for assistance at the scene of specific investigations.
- (11) To direct and control traffic at the scene of fires or other disasters or routinely at certain locations.
- (12) To appear and testify in court when required, regarding investigations and arrests.

102.00 - RADIO COMMUNICATIONS

102.01 How to Use the Radio

- (1) Wait until the air is clear before attempting to transmit. When clear, depress the mike button, pause one to two seconds, identify yourself by proper precinct or assignment number, release the mike button and wait for the dispatcher to acknowledge your call. Then again depress mike button, pause and continue with the transmission, keeping the mike button depressed continuously during each transmission.
- (2) Microphones in use are designed for close talking and should be held from ONE to NOT OVER TWO inches away from the mouth. The internal mike of the portable unit is located in the upper left corner of the speaker grill.
- (3) All portable police radios are equipped with an emergency identifier system. It is essential that you depress and hold this red button for a minimum of ten (10) seconds to avoid accidental triggering of an emergency signal. Pushing the red emergency button will summon help, aid and support CODE 10 to an officer's location. The system is to be used in situations where an officer fears bodily injury, and when an officer is unable to verbally use the radio to call for help. It is vital for the dispatcher to have the officer's correct location in order for emergency help to arrive.
- (4) No information other than that of an official nature is to be transmitted over the Police Department radio.
- (5) All members of the Department will use the proper designation in describing a person's race with all radio transmissions. The correct ethnic terms to be used are:
 - a. White
 - b. Hispanic
 - c. Black
 - d. American Indian or Alaskan Native
 - e. Asian or Pacific Islander
 - f. Unknown Race
- (6) During radio transmissions, all members are prohibited from using derogatory language relating to race, color, creed, national origin, age, sex or sexual orientation that might reasonably be regarded as offensive to any other person.

102.02 Duty Requirements - Radio Calls

- (1) Officers receiving calls near the end of their tour of duty shall be held responsible for the proper completion of the call. Officers on calls that require any considerable time shall be relieved by order of the sergeant or supervisory officer in charge of the relieving shift.
- (2) Officers shall remain IN SERVICE ON THE AIR until relieved by the oncoming shift. Officers going OUT OF SERVICE for any reason prior to the end of their tour of duty shall return in service via radio before being relieved by oncoming officers.
- (3) No officer shall willfully neglect or refuse to answer and execute all orders from the dispatcher.
- (4) All calls issued by the dispatcher shall be considered as an order from the Chief of Police. Questions of any call or orders are subject to review, only after responding to and handling such calls.
- (5) Officers IN SERVICE shall be attentive to radio transmissions and respond when called or be subject to a missed call. See OMS 17.40.
 - a. A solo officer equipped with a portable radio must respond after three (3) radio calls within two (2) minutes or be subject to a missed call.
 - b. A two-officer assignment equipped with radio, whether portable or non-portable, must respond after three (3) calls within one (1) minute or be subject to a missed call.
 - c. A solo officer equipped with a non-portable radio must respond after three (3) calls within five (5) minutes or be subject to a missed call.

- (6) All patrol division and traffic operations assignments shall clearly list on the daily detail all command officers and supervisors. Any officer working in an acting capacity as a supervisor or command officer shall be clearly noted on the daily details.
- (7) All Patrol Division and Traffic Operations officers below the rank of sergeant will begin their tours of duty by going in service on the radio and end their shift by going out of service on the radio. Officers may use the telephone to notify the dispatcher that they are beginning or ending a shift only when a radio is not available.
- (8) All Patrol and Traffic Operations officers below the rank of Captain are required to be available by radio unless on a special assignment or out of service at a specific location where radio communication is not appropriate or possible. "Officers IN SERVICE should be attentive to radio." OMS 102.02(5)
- (9) Whenever an officer is unable to come IN SERVICE within **twenty (20) minutes** of the beginning of a shift, a supervisor shall notify the dispatcher. This shall include long roll calls, reporting late to work, administrative duties at the station, or any other activity preventing the officer from calling IN SERVICE. If a roll call extends beyond **twenty (20) minutes**, a supervisor shall notify the dispatcher and shall monitor radio traffic.
- (10) Supervisors or command officers will personally notify the dispatcher and the appropriate neighboring precinct or traffic cars if they authorize an officer to report late for duty or leave early.
- (11) Neither Patrol Division nor Traffic Operations Bureau officers will conduct non-essential Class 3 activities within 60 minutes of the end of the officer's shift. Non-essential Class 3 activities include such things as Code 7, personal errands, administrative duties at the station, and minor car maintenance.
- (12) If two radios are used for a single assignment, all call signs and radio logical identification numbers will be provided to the appropriate dispatcher.
- (13) The requesting of "Any Car" by dispatchers is to be avoided if at all possible. Instead, specific units and cover cars are to be assigned by the dispatcher. When calls are pending that require immediate or timely response by the police, and the precinct car is not available, the dispatcher shall assign the closest available unit. Street Crime Attack Team Officers, Neighborhood Police Officers, Community Resource Officers, Mounted Patrol Unit Officers, Gang Unit Officers, METRO/SWAT Officers, Traffic Operations Officers, and Patrol and Traffic Operations supervisors may be dispatched to high priority calls unless on a special assignment or being held out of service at a specific location.
- (14) The specific sector sergeant is to be called rather than "Any Cruiser." This includes, but is not limited to, 911 hang up calls, robbery alarms, pursuit management, shootings, etc. If the appropriate sergeant is not available, another sergeant shall be called immediately.

102.03 Radio Talk Group Assignment

- (1) The police radio will broadcast on its allotted frequencies on a twenty-four (24) hour basis.
 - a. Dispatch 1 is designated as the primary talk group for use by District One patrol, administrative and support units, city-wide investigation and accident units assigned to District One.
 - b. Dispatch 2 is designated as the primary talk group for use by District Two patrol, investigative and accident units assigned to District Two. When only five Dispatch groups are in operation, Dispatch Two will also be used by District Five patrol and investigative and accident units assigned to District Five.
 - c. Dispatch 3 is designated as the primary talk group for use by District Three patrol, investigative and accident units assigned to District Three.
 - d. Dispatch 4 is designated as the primary talk group for use by District Four patrol, investigative and accident units assigned to District Four.
 - e. Dispatch 5 is designated as the primary talk group for use by District Five patrol, investigative and accident units assigned to District Five, and all Highway units of the Traffic Operations Bureau.
 - f. Dispatch 6 is designated as the primary talk group for use by District Six patrol, investigative and accident units assigned to District Six

- g. Clear 1 and Clear 2 are the talk groups used by officers for obtaining listings and clearances
- (2) The assignment of talk groups to the various districts, bureaus, etc., will be determined by the Commanding Officer of the Administrative Management Division.
- (3) An announcement will be made on all talk groups, both primary and secondary, in order to keep officers throughout the City advised of pertinent activity, such as:
 - a. Officers calling for help
 - b. Major crimes, stickups, etc
 - c. Chases
 - d. Descriptions of armed and/or dangerous persons
- (4) In the event of an emergency, the dispatcher will, as necessity dictates, assign additional units to any given dispatch or tactical talk group for the duration of the emergency and may temporarily change the dispatch assignment of any unit or group of units.
- (5) Cars with city-wide assignments shall monitor the talk group of the area in which they are working. The dispatcher, if unable to make contact on Dispatch 1, will attempt to make contact on the other dispatch groups or, in an emergency or under urgent circumstances, use the Police All Call function to check all talk groups.

102.04 Denver 911 - Retention of Tapes

- (1) In order to maintain the order, the quiet, and the supervision required, there will be no casual visitors or tours allowed inside Denver 911 without the prior authorization of Denver 911 CSA Director.
- (2) Any person who has official business that must be conducted inside Denver 911 will obtain permission to enter from the CSA Director of Denver 911 or in the director's absence, the supervisor in charge. There will be NO exceptions to this rule.
- (3) All telephone requests for police service arriving in Denver 911 and all radio transmissions on Dispatch Groups One (1) through Six (6) and the C.L.E.E.R. Channel shall be tape recorded.
 - a. All tape recordings shall be retained for a minimum period of six (6) months.
 - b. Tape recordings may be retained in excess of six (6) months only when a written request is submitted by:
 - 1. A Denver Police Command Officer
 - 2. A member of the City or District Attorney's Office
 - 3. A member of another law enforcement agency with proper justification
 - 4. A member of the Internal Affairs Bureau
 - 5. A member of the Civil Liability Bureau
 - 6. Any member of the Homicide Unit
 - c. A command officer submitting a request to retain a tape for more than six months shall:
 - 1. Include the proper General Occurrence (GO) report number if the tape is to be held in reference to a criminal case, and
 - 2. Forward a copy of the request to the Civil Liability Bureau
 - d. All other requests to retain tape recordings for more than six months shall be considered only when accompanied by a subpoena.

102.05 Dispatching and/or Receiving Procedures

- (1) All officers in the Patrol Division having radio contact shall be required to be in service and available for calls on the radio at all times, except as qualified in the following regulations.

- (2) All officers in the Investigation Division assigned to radio equipped vehicles shall be available according to regulations and orders issued by the commanding officers in charge of the several bureaus, and with the approval of the Deputy Chief of Operations.
- (3) All calls shall be dispatched at once, except under the conditions cited in OMS 17.34.
- (4) In service calls, shall be qualified as such by dispatchers only.
- (5) Should officers receive an emergency call while in the process of handling an in service call, they will respond at once to the emergency. The officers may complete the minor call later, or, if the emergency situation results in a significant time delay, another car will be sent to complete the call.
- (6) Out-of-service activities, which impact officer safety, such as car or radio repairs, shall be conducted after notifying the dispatcher. Other out of service activities, such as eating, or other non-police functions shall be conducted only after it has been requested of the dispatcher.
- (7) All out of service activity is subject to the approval of the dispatcher or by order of a supervisory officer.
- (8) Officers shall respond to on-sight police activity without delay, and at their earliest convenience, notify the dispatcher of such action. Notification before leaving the vehicle is preferred so long as such notification does not affect the officer's efficiency by delay.
- (9) Officers who are dispatched to any police action WILL ADVISE THE DISPATCHER OF ANY CHANGES in address or location made in connection with the call. This information is essential should the officer require emergency assistance at a later time.
- (10) Officers responding to a radio-dispatched call will use Code 6 upon arrival at the scene. The dispatcher will make the appropriate CAD entry.
- (11) Officers will report back in service on the radio by depressing the mike button, pausing one or two seconds and transmitting, "Car _____ in service." If the dispatcher does not acknowledge the transmission, they should repeat the process until acknowledged. Officers will give a call disposition at the completion of every call.
- (12) Officers requiring clearances and/or listings will obtain the information on Clear 1 or Clear 2. Officers shall:
 - a. Notify the dispatcher on their assigned channel of their car number and location and advise that they will be on one of the clearance channels.
 - b. Switch to the appropriate clearance channel and, when the air is clear, state car number. The clerk will acknowledge by calling the car numbers in turn.
 - c. When requesting information, state what is needed first, such as ID check, driver's license check, listing on a plate, or clearance on property. When requesting ID and driver's license checks, follow the menu format on the computer by giving the last name, followed by the first name, middle initial, and D.O.B. On license plate checks give type of plate first, then the plate number. State exactly what is needed, such as clearance and listing, if the VIN is needed, or TVB clearance.
 - d. Test Clearances or Test Inquiries are defined as those clearances requested when a subject, vehicle, or property is not in-sight or in-hand.
 1. "Test clearances" will not be given on the clearance channels but can be obtained by using the computer terminals located throughout the Department, including those at the district stations.
 2. Test clearances will only be given by NCIC personnel under exigent circumstances.
 - e. Only the most recent driver's license suspension information will be given.
 - f. Remain on Clear 1 or 2 until the information is received or you are instructed to return to your assigned channel.
 - g. If you are instructed to return to your assigned channel and await the requested information, do so, then advise the dispatcher that you are awaiting information from Clear. The dispatcher of your assigned channel will then give you the information requested.
- (13) Officers are directed to use the telephone rather than the radio, whenever possible, to obtain information, give information, or request information or routine assistance in handling a case.

- (14) The Individual Call feature (I-Call) of the radio system will only be used to pass information of an official nature that is too sensitive for general broadcast or when such broadcast could endanger the safety of officers or citizens. Use of I-Calls will be monitored by command personnel. Excessive or inappropriate use of the I-Call feature by department personnel may result in disciplinary action.
- (15) Officers will not inquire for specific ordinance sections to cover violations. Members are expected to have this information on their persons and such information will not be furnished by the dispatcher.
- (16) After a stickup or other major police case, officers shall not use the radio for any reason other than an emergency until the dispatcher announces the normal operations are being resumed. Officers shall at no time request assistance or information on minor matters when it is obvious that important matters are being handled, nor shall they call Denver 911 for information on the important or serious happening incident being handled.
- (17) Denver 911 personnel will dispatch an officer to make a report on a traffic accident when the damage to the property or vehicle of any person exceeds the minimum damage criteria established by Statute when an injury or fatality is involved, or when a driver is reported to be under the influence of drugs or alcohol. An officer shall also be sent when there are other problems requiring police intervention, such as a failure, on the part of any involved party, to provide proof of identity or insurance. This applies to both roadway accidents and private property accidents.
 - a. Citizens reporting non-injury accidents involving property damage in excess of the minimum damage criteria established by Statute shall be advised to:
 - 1. Remove their vehicles, if possible, from a hazardous roadway position to the nearest safe parking location.
 - 2. Notify Denver 911 of the new location if it is not close to and visible from the original accident scene.
 - b. If citizens report a non-injury traffic accident with no vehicle or property damage in excess of the minimum damage criteria established by Statute there is no DUI/DRE, DUS or driver's license restraints, no refusal to exchange information required by Statute, no other crime, or disturbance taking place, and police intervention is not required, an officer will not be dispatched unless requested by the citizen. If a citizen DOES NOT request an officer to respond then:
 - 1. Citizens shall be advised to exchange complete information regarding personal and vehicular identification.
 - 2. Citizens shall further be advised that if damage to any vehicle or property is later determined to exceed the minimum damage criteria established by Statute, each driver must make both a counter report and a Colorado Report of Motor Vehicle Accident, Form DR-2301, in accordance with the Motor Vehicle Financial Responsibility Act. C.R.S. §42-7-202.
 - 3. Citizens shall be directed to any District Station or Police Headquarters to complete reports. Citizens shall also be advised they can make an on-line report.
 - c. Accident Alert Procedures
 - 1. Accident Alerts shall be implemented whenever insufficient police units are available to respond to the volume of traffic accidents reported to Denver 911 due to:
 - a. Severe weather and road conditions
 - b. Any Emergency Tactical Alert phase
 - c. Other circumstances and conditions when insufficient police units are available
 - 2. Implementing Accident Alert may be required during times when there is an extraordinary temporary demand for police services and when there are not sufficient police resources to respond to the demand. Command officers and supervisors must be mindful of the fact that the decision to implement accident alert has a significant impact on the level of service that we provide to the public. The impact and importance of the implementing the accident alert procedure, whether the alert needs to be citywide or specific to a district, and how long the alert remains in effect cannot be overstated. The decision to implement Accident Alert procedures rests with the on-duty Traffic command officer

3. Operations Bureau commander, after consultation with the on-duty supervisor of Denver 911. If no on-duty traffic command officer is available, the Captain of the Traffic Operations Bureau will be contacted by the on-duty Denver 911 supervisor. The decision to implement Accident Alert will be made by the Captain of Traffic Operations in conjunction with Denver 911 Director or on-duty supervisor. In making the decision to implement Accident Alert Procedures the following factors must be considered:

- a. Magnitude and expected duration of the event or weather incident resulting in need for Accident Alert
- b. Accident call load
 1. Deployment of on-duty traffic officers
 2. Area affected; city wide or contained to a district

4. If no traffic command officer or supervisor is available, the decision to implement Accident Alert rests with the Denver 911 on-duty supervisor.

- a. Traffic Operations Bureau supervisors must attempt to remedy the situation by reassigning traffic officers to those areas or districts experiencing a larger volume of accidents prior to the implementation of Accident Alert.
- b. District commanders may request an Accident Alert by contacting a Denver 911 on-duty supervisor. Denver 911's on-duty supervisor will contact the on-duty Traffic Operations command officer, or the Traffic Operations Bureau Captain to insure that all available traffic officers have been redeployed to the requesting district to assist prior to approving an Accident Alert.
- c. When sufficient police units are again available to respond to accidents, the on-duty Traffic Operations Bureau commander shall immediately notify Denver 911 to discontinue Accident Alert procedures. If no Traffic commander or supervisor is available, the decision to discontinue the Alert rests with the Denver 911 on-duty supervisor. The Denver 911 on-duty supervisor must review the duration of the accident alert and insure that it is removed as soon as possible but no later than the end of their shift, or that the log reflects the need to continue the alert and the name of the on-coming Denver 911 supervisor then responsible for determining the duration of accident alert.

5. When an Accident Alert is implemented Denver 911 will adopt the following procedures:

- a. Police units will be dispatched only to accidents involving death or injury, street closures, City property, City vehicles, on-duty City personnel, or when a driver is reported to be under the influence of drugs or alcohol. An officer shall also be sent when there are other problems requiring police intervention, such as a failure, on the part of any involved party, to provide proof of identity or insurance.
- b. Any officer dispatched to an accident must handle the accident following normal procedures as though there was not an Accident Alert in effect.
- c. 911 Operators receiving accident calls will complete a CAD entry with the complainant's name, address, and location of the accident. The 911 Operator will then ascertain if injuries are involved or other conditions requiring police intervention exist. If no police officers are sent, the complainant shall be advised to file a Counter Report, and that no further police action will be taken.

- (18) On the following types of calls for service, Denver 911 personnel and patrol personnel will take action as indicated:

- a. Private property parking complaints:
 1. Police officers will be dispatched to these calls on an in-service status. If another call with priority that requires a police officer is received, the private parking complaint will be handled after the priority call.
 2. Denver 911 personnel shall advise the caller or complainant that a patrol vehicle will respond in-service as soon as possible.

- b. Abandoned or apparently abandoned vehicles
 - 1. The 911 Operator of Denver 911 will accept the information from the caller or complainant and clear the license number according to regular procedure.
 - 2. Unless the vehicle is found to be wanted, the precinct car in which the vehicle is located will be dispatched as in-service. The responsibility for the completion of the call will remain with the precinct officer.
 - c. Gas Drive-Offs - If a gasoline retailer calls the police and reports a gas drive-off, he/she will be asked if there is a pre-pay or deposit-first policy in effect at the station. If not, no police officer will be sent to the scene unless there is another violation such as disturbance, threats, etc. The District CRO or Denver 911 will make a Counter Report available to them. No follow-up investigation will be conducted and these reports will be for record only.
- (19) Request for police assistance from officials of counties adjacent to Denver for EMERGENCY ASSISTANCE will be processed immediately.
- a. Dispatcher will notify their supervisors on each call where officers are sent out of the City.
 - b. When Denver officers are sent out of the City on emergency assistance calls, their commanding officer will be notified. The supervisory officer of the officers responding will be dispatched to cover the call.
 - c. Except as directed by the Chief of Police, Denver Police Officers will not respond to routine police actions outside the City.
- (20) If a possible explosive device is located, the police radio should not be used within 100 feet of the object. See OMS 107.02(3)
- (21) Recovery of Stolen Vehicles - See OMS 104.36
- (22) Detectives who make a request via the dispatcher for non-urgent assistance (such as order-ins, attempt pickups, attempts to locate a car or a witness, etc.) by on-duty patrol officers will be available by police radio to the officer assigned to assist them. The intent of this procedure is to enhance officer safety and to avoid, whenever possible, the need for an officer to call a detective on the telephone to receive or pass on information that can be easily broadcast on the police radio. Conversations too lengthy for the main dispatch channel shall be conducted on the citywide channel or the appropriate car-to-car channel. Sensitive information may be conveyed with the I-call feature or by direct telephone contact if necessary. See OMS 102.05(14).

102.06 Phonetic Alphabet for Radio Transmissions

- (1) All members of this Department will use the phonetic alphabet for all radio transmissions, LETS messages, and telephone conversations where the use of phonetics is appropriate.
- (2) The "phonetic alphabet" should be used for spelling out unusual names of persons and locations. They should always be given as:
"A" - Adam, "B" - Boy, - never "A" as in Adam or "B" as for Boy, etc

102.07 Radio Call Codes - 24 Hour Clock

- (1) These Radio Call Codes will be used over the air:
 - a. **Code 1** - Call the Dispatcher
 - b. **Code 2** - Call your station
 - c. **Code 3** - Report to your station
 - d. **Code 4** - Used by dispatchers to notify officers requesting clearances of persons, property or vehicles, and driver's license checks that the person or property is clear, and in the case of driver's license checks, the license is valid.

- e. **Code 5** - Used by dispatchers to alert officers requesting clearances of people that the person(s) in their custody may be wanted. When the dispatcher has information that the person is wanted or a mental subject, the dispatcher will alert the officer by airing the following transmission, "Car ____ are you clear to copy information?" No further information shall be aired by the dispatcher until the officer replies, "I'm clear, go ahead with the information." The Dispatcher will then give the officer in the field a Code 5. No further information will be aired by the dispatcher until the officer in the field requests it, thereby enabling the officer to restrain the person if, in the officer's opinion, the circumstances warrant such action.
- f. **Code 5A and 5D** - Dispatchers having information that the person is wanted and may be armed and / or dangerous, the dispatcher will alert the officer by airing the following transmission, "Car ____ are you clear to copy information?" No further information shall be aired by the dispatcher until the officer replies, "I'm clear, go ahead with the information." The dispatcher will then give the officer a Code 5A or Code 5D and will immediately dispatch a car to cover the officer having the wanted person in custody. No further information will be aired by the dispatcher until the officer in the field requests it, thereby enabling the officer to restrain the person if, in the officer's opinion, the circumstances warrant such action.
 - 1. **Code 5A** (5 Adam) - Indicates the person is wanted with a possibility of being armed and dangerous.
 - 2. **Code 5D** (5 David) - Indicates the person is wanted with the possibility of being Dangerous: examples include a violent history, known to resist arrest, etc.
- g. **Code 6** - Officer's arrival at the scene
- h. **Code 7** - Out of service for eating and coffee breaks only. Officers shall ask the dispatcher if they are clear for a Code 7 and give their location. If the car is clear, the dispatcher will acknowledge and hold the car out on the air, at that location.
- i. **Code 9** - Proceed directly and without delay to the call, obeying all traffic regulations. No emergency equipment will be utilized
- j. **Code 10** - Emergency run, siren and red light operating
- (2) **Twenty-four (24) Hour Clock**
The twenty-four (24) hour, standard military time will be used by this Department for all communications. After 12 Noon, add 1 for each hour expended, for example, 1:00 p.m. = 1300 hours, 5:00 p.m. = 1700 hours.

102.08 Use of NCIC and CCIC

- (1) The purpose of this procedure is to establish a uniform system to retrieve certain information on file within the Denver Police Department or available to the Denver Police Department on the established computer systems. The Denver Police Department will use the National Crime Information Center (N.C.I.C.) and Colorado Crime Information Center (C.C.I.C.) as basic parts of Denver 911 and the Identification Section.
- (2) Inquiries of these systems may be made via radio, telephone, in written form, or via MDT, according to the following procedures:
 - a. Inquiries may be made only when the subject, vehicle or property is in-sight or in-hand. Any other situation is considered a "test inquiry" and must be so identified. See OMS 102.05(12)d.
 - b. When requesting a warrant or want check (search), be advised that NCIC requires an exact date of birth for a match and that CCIC will search three (3) years on either side of a given date of birth for a match. If there is reason to believe that the DOB supplied is not the true date of birth, request a complete CCIC check be made on the name.
 - c. Radio inquiry is limited to Denver Police, sheriffs, other qualified personnel dispatched, or having radio communications with Denver Police dispatchers. Inquiries are to be made on clearance channels in the manner described in OMS 102.05(12). Any information that can be retrieved from Department files and/or any information that can be accessed by the use of the NCIC or CCIC systems may be requested.

- d. Telephone inquiry is available to officers identifying themselves by name, badge number, and assignment. The following information is available from Identification Section files and/or the NCIC and CCIC systems:
 - 1. All wants and warrants entered by U.S. Criminal Justice Agencies.
 - 2. All U.S. motor vehicle registrations
 - 3. County Court moving and parking violations
 - 4. Stolen, missing, or recovered guns
 - 5. Stolen articles by identifying numbers. When clearing bicycles, weapons, and other items, do not confuse the serial number with the model number
 - 6. Stolen, recovered, impounded, or repossessed vehicles
 - 7. Stolen license plates
 - 8. Stolen securities by serial number
 - 9. Motor vehicle registration for all counties in the state
 - 10. Driver's license information, includes motorcycle endorsements and driving restraints
- e. Written inquiry is available to any officer of an officially constituted law enforcement agency.
- f. Officers of the Denver Police Department as well as any law enforcement officer appearing at the Identification Section in person may be required to complete a form provided by the bureau requesting the specific information required. The LETS system may also be used to make these inquiries.
- g. Information may be obtained by calling the Identification Section, Traffic Violations, and Warrants. Information not available by telephone or radio will include criminal histories teletype messages sent or received.
- h. Officers desiring some special need on the computers shall request a terminal operator to come to the counter, or specific requests and information can be given to any Identification Section personnel who will personally handle and take to the teleprocessing room.
- i. Routine pick-ups, messages, etc., shall be left in the NCIC box at the counter.
- (3) When an officer has a wanted party in custody, he shall first notify the dispatcher, then transport the subject to the nearest District Station or to the ID Section for warrant verification prior to jailing.
- (4) All personnel should be advised that the NCIC system is covered under the Federal Privacy Act of 1974, which contains criminal penalties for violations. This Act provides in part that, "any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty ...". Personnel shall not use the CCIC/NCIC system to obtain information, criminal or otherwise for personal use, gain, benefit, or remuneration. This includes police officers, CSA employees, and any other person.
- (5) In addition to listings and clearances normally available through the CCIC computer terminals, other types of information are obtainable. State of Colorado Division of Motor Vehicle Master files by written request will assist officers in identifying hit and run vehicles and provide officers with investigative leads to aid in felony searches.
 - a. Information available through master files includes:
 - 1. Past and present addresses from driver's license applications
 - 2. Alias names
 - 3. Handwriting samples
 - 4. Physical descriptions
 - 5. Right index fingerprints
 - 6. Pictures
 - 7. Social Security numbers
 - 8. Names of Guardian or Parents and addresses

9. School bus licenses
 10. Chauffeur licenses
 11. Character references including place of employment
 12. Military extensions can provide current and past known addresses
 13. Filed along with driver's license applications are common law marriage certificates giving name of spouse and maiden name
 14. Driver's license information is accessed by soundex (sound - alike) correct spelling is unnecessary for a manual search.
 15. Traffic violation files are searchable by license plate number as well as name of defendant.
 16. Complete VIN information as compiled by the National Automobile Theft Bureau is maintained for identification of vehicles.
 17. Temporary permits are filed numerically by month of issuance.
 18. Master Files maintains complete city directories for aid in locating businesses within a particular area of identifying addresses and ownership of business concerns.
 19. In the area of hit and run vehicles, Master Files can aid in identifying vehicles by possible license number combinations if only a partial plate number is known.
- b. In emergency cases, where information is urgently needed, contact Master Files by phone or at terminal DMV.
 - c. Certain license plate numbers are not available for listings through CCIC terminals. If a listing is needed on these types of plates, contact Master Files by phone.
 1. Exemption plates
 2. Transporter
 3. Mobile Home Dealer
 4. SME Dealer
 5. Consular Corps
 6. Depot Tags
 7. Apportioned Plates
 8. Mobile Home Decals and SME tabs
- (6) The Denver Police Department shall maintain unique terminal identifiers for all computers, which access the NCIC/CCIC system. This policy is inclusive of the Mobile Data Terminals.
- a. There will be no circumstance whereby any terminal may share an address with another.
 - b. NCIC and CCIC operating procedures command the use of one unique identifying number per computer.
- (7) The security of the information obtained from NCIC/CCIC is vital. Personnel must ensure that unauthorized individuals do not have access to information on the NCIC/CCIC system.
- a. If personnel are using MDT(s), they will log off NCIC/CCIC when not in use or when the vehicle is unoccupied for an extended period.
 - b. Officers will close or block their MDT(s)' screen when an arrestee, citizen, or "ride-a-long" is in or near the vehicle.
 - c. Unless authorized through prior written approval from the Chief of Police, personnel will not access the criminal justice database from outside a law enforcement facility.
 - d. Any information available via the NCIC/CCIC system will be limited to criminal justice purposes only. Personnel will not use criminal justice information for personal reasons, including curiosity inquiries or non-criminal justice investigations.

102.09 Requesting Emergency Medical Services

- (1) In all cases, the mode of response by emergency medical services will be determined by the description of the injury, illness, and/or incident received by the dispatcher.
- (2) Officers requesting emergency medical assistance either "Code 10" (emergency) or "Code 9" (non-emergency) should, whenever possible, provide the dispatcher with the necessary information describing the type of injury or illness requiring medical care.
 - a. "Code 10" - (emergency) should always be requested involving the following conditions:
 - b. Asphyxiation caused by drowning, electric shock, or inhalation of poisonous gases.
 - c. Unconscious persons.
 - d. Hemorrhaging or serious wounds resulting from bullets, knives, broken glass, machinery, etc.
 - e. Poisoning through ingestion, inhalation, skin contact, or injection.
 - f. Heart attacks, strokes, and paralysis.
 - g. Childbirth.
 - h. Serious burn cases, shock, falls, and any injury that represents an immediate threat to the victim's life.
 - i. Under circumstances where good public relations or the reputation of the public services of the City and County of Denver are jeopardized, "Code 10" may be requested.
 - j. **"Code 9"** - (non-emergency) may be requested if the officer believes:
 1. The condition of the patient would not be jeopardized by a wait of a few minutes.
 2. The condition of the patient does not justify the hazard to traffic and other persons along the route the ambulance must travel.

102.10 Alarms

- (1) The four types of alarms to which officers will respond are:
 - a. Hold-up
 - b. Intrusion (burglar/silent)
 - c. Local (audible/ringer)
 - d. Police Alert (panic)
- (2) An Alarm Subscriber Notification Card, DPD 681, will be filled out completely by the responding officer on every false alarm, and left in a conspicuous place.]
- (3) If it appears that an emergency entry will be necessary in response to a hold-up or police alert alarm, such forced entry will be made without delay.
 - a. A supervisor will be called to the scene.
 - b. A Forced Entry Report, DPD 460, will be completed and forwarded to the Civil Liability Bureau.
- (4) On all alarms checked, the responding officer will notify the dispatcher of the disposition of the alarm using one of the following codes:
 - a. Class 1 - owner/employee inside
 - b. Class 2 - no apparent reason/equipment malfunction
 - c. Class 3 - good alarm
 - d. Class 4 – cancellation

102.11 Voice Logger System**(1) Policy**

- ☐ a. The Voice Logger system for remotely pulling Denver 911 Data tapes has been placed in various locations throughout the department.
- ☐ b. This system will allow investigators and designated persons to pull Data tapes of calls and dispatch tapes from Denver 911 at remote locations throughout the Denver Police Department.
- ☐ c. Bureaus having a voice logger system shall use their respective system to acquire communication tapes rather than referring requests to Denver 911.
- d. Use of the Voice Logger System is limited to official investigations.
- e. All recordings made with the Voice Logger system are considered part of an ongoing investigation and are to be treated accordingly.
- f. Any copying, misuse, distribution, or unauthorized use of these systems or recordings is prohibited and will result in disciplinary action.

(2) Accessing the Voice Logger System

- a. Data from the Voice Logger System shall be located with the CAD incident number.
 - 1. The CAD number will identify the position number where the call was taken and the Dispatch channel that dispatched the call.
- ☐ b. Each Commander with a Voice Logger system will identify those people in their command authorized to use the system. Each person having access to the Voice Logger system shall be issued a user name and password by the CAD administration team at Denver 911.
 - 1. Instructions for use of the Voice Logger System shall be available at every remote location providing accessibility.

102.12 Restrictions on Release of Personal Information

- (1) A primary communication method of the Denver Police Department is the portable two-way radio system and as such, officers must consider the public's access to department radio traffic when airing sensitive and legally restricted information.
- (2) Officers shall not air, cause to be aired, or release publicly, any personal information protected by the Colorado Revised Statutes (C.R.S.) and Rules, or Operations Manual Sections (OMS) referenced under OMS 102.12(1), over the police radio or any other unsecured communication method. This will include, but is not limited to:
 - a. Names or identifying information of Sex Crimes victims
 - b. Names or identifying information of juvenile offenders
 - c. Names or identifying information of witnesses to a crime
 - d. C.R.S. §24-72-302(1) and (2) defines identifying information as: the name, place and date of birth, last-known address, social security number, occupation and address of employment, physical description, photograph, handwritten signature, sex, fingerprints, and any known aliases of any person.

103.00 - COURT

103.01 Subpoena (Receipt of) (Revised 05-2011)

- (1) All officers who receive subpoenas shall make the proper return on each and will be held strictly accountable to appear as ordered, days off and vacations notwithstanding. This procedure applies to all subpoenas received, including those from counties outside Denver, the Department of Excise and License, the Department of Revenue and other regulatory agencies. Officers, who fail to appear, or fail to place themselves on call, will be investigated in the following manner.
- (2) **FAILURE TO APPEAR:** The supervisor of the Court Liaison Unit in consultation with the prosecuting attorney will make the determination of failures to appear.
 - a. Failures to appear for court will result in a formal Internal Affairs Bureau investigation. An FTA occurs when an officer under subpoena fails to appear for trial or hearing or fails to process their subpoenas that appear on the on-line subpoena program. See OMS 103.01(3).
- (3) **Failure to attend court:** These penalties will be the minimum penalties for the stated violation. Flagrant violations may be dealt with more severely.
 - b. First Offense - Oral Reprimand
 - c. Second Offense - Written Reprimand
 - d. Third Offense within a Twelve Month Period - Fine of eight (8) hours off
 - e. Fourth Offense within a Twelve Month Period - Fine of forty (40) hours off
- (4) All officers who receive letters from the Civil Liability Bureau for an appearance on a civil case, for a hearing, deposition, court appearance, etc., shall sign for receipt of this letter and will be held strictly accountable for appearance in response to same.
 - a. Supervisors are responsible for the return of the signed letter. See OMS 502.04(5).
 - b. Failure to respond will result in the same penalties as those listed in OMS 103.01(2).
 - c. Members who are notified by the Department of Revenue of a scheduled hearing for a driver's license suspension or revocation shall appear at the time and place stated on the notice.
 1. Officers who appear off duty will have the hearings officer sign DPD 154, Officer's Overtime Authorization/Accumulated Time Returned. The form will be processed in accordance with OMS 109.02(2), DPD 154.
 2. When applicable, all such notices shall be covered by OMS 103.02, Court Appearances.
 - d. Subpoena Duces Tecum. Officers are not authorized to produce any departmental documents on receipt of a subpoena Duces Tecum. Upon receipt of such subpoena, the officer will immediately contact the Civil Liability Bureau.

103.02 Court Appearances (Revised 05-2011)

- (1) Every officer shall, while on-duty, review their subpoena record daily by logging into the On-line Subpoena Program located on the DPD web site home page. All officers shall make the proper return of service on each subpoena located in their subpoena record. Officers must follow the instructions provided for each individual courtroom on the On-line Subpoena Program.

Commanding officers of districts, bureaus, sections and units shall periodically monitor or cause the periodic monitoring of the On-line Subpoena Process, insuring that officers, under their command, are timely in addressing subpoenas via the **Check Subpoenas by Badge** function in the Officer's Subpoena Program.

In the event that officers are unable to access the On-line Subpoena Program because of system failure, Denver 911 shall be immediately notified. The Court Liaison Unit shall be responsible for distributing hard copy subpoenas in the event of long term computer system failure.

(2) Reporting to the Court Coordinator

- a. Officers and Reserve Officers who are subpoenaed for County, District, and Juvenile Court will verify the status of each court case prior to appearing in court.

1. District Court TRIALS

- a. Information on case status will be on the Victim Advocate answering machine.
- b. If the case has been continued or disposed of, the officer is released from his subpoena.
- c. If the case is still scheduled for court, the officer must put himself on call. See OMS 103.02(4)c.

2. All other courtrooms, including District Court motions or preliminary hearings, County and Juvenile Court

- a. Verification will be made by calling the Court Liaison Office the night before the scheduled court appearances to determine whether the case has been called off.
- b. The Court Liaison Office will make available a pre-recorded telephone message listing the continued and disposed court cases for the next business day.
- c. The recorded message will be available weekdays from 1500 hours through 1300 hours the following day, and twenty-four (24) hours each day on weekends and holidays.
- d. During usual court hours (0700 to 1500 hours) Monday through Friday, Court Liaison Office personnel will answer court case status inquiries.
- e. For preliminary hearings, officers may place themselves on-call by using the On-line Subpoena Program

3. An officer who appears in court after an announcement of a continued or disposed case will not be compensated for his/her court appearance.

- a. Except for court appearances that are outside of the Lindsey-Flanigan Courthouse, all Officers and Reserve Officers are required to report to the Court Liaison Office at least fifteen (15) minutes before court time and sign the Officer's Sign-In Register. Officers must sign out after their court appearance is concluded.
- b. Officers and reserve officers, who are unable to attend court, or those who expect to be late, must notify the Court Liaison Office.
- c. Officers and reserve officers who are off duty will receive a copy of DPD 154, Officer's Overtime Authorization/Accumulated Time Returned. This form must be completed by the Court Liaison Office and Prosecuting Attorney/Hearing Officer. The form will be processed by the Court Liaison Office in accordance with OMS 109.02(2), DPD 154.
- d. Reserve Officers will receive a copy of DPD 155, Reserve Officers Court Voucher from the Court Liaison Office. This form must be completed by the Court Liaison Office and the Prosecuting Attorney / Hearing Officer. The subpoena, or a copy, will be attached to the original invoice and hand carried, or mailed to the Denver Police Department Financial Services Bureau. A copy of the voucher will be retained by the officer.

(3) Continuing a Court Case

- a. Except for subpoenas from defense attorneys, [see section (8),] officers who are unable to appear in court because of vacation, sick leave or military leave, shall return the subpoena/court notice to the Court Liaison Office by choosing the ASL/Vacation/ML "status" option in the on-line Subpoena Program and entering the leave dates. Officers may enter text into the "notes" section for specific information regarding leave.

- b. Requests to continue court cases must be submitted to the Court Liaison Office at least two (2) weeks prior to the court date.
 - c. It is the responsibility of the subpoenaed officer to follow-up and verify that the continuance was granted or denied.
- (4) Officers may place themselves on-call in the following courtrooms by using the On-line Subpoena Program.
General Session Courtrooms: 3E, 3F, 3G and 3H.
County Courtrooms: 3A, 3B, 3C, and 3D.
- a. General Provisions
 - 1. Officers who will be **OFF-DUTY** at the time they are subpoenaed to the courtrooms listed in this subsection may voluntarily place themselves on-call by using the On-Line Subpoena Program.
 - 2. Officers who are **ON-DUTY** at the time of their scheduled court appearances must place themselves on-call by using the On-line Subpoena Program. Officers must give their duty assignment and method of contact such as telephone number, pager number, police radio, etc.
 - 3. On-call officers shall not appear unless summoned by the Coordinator, courtroom personnel, an Assistant City Attorney or a Deputy District Attorney.
 - 4. The Police Liaison Court Coordinator is authorized to approve and sign officer's court slips.
 - 5. Officers who voluntarily place themselves on-call and cannot be immediately contacted at the numbers provided shall be subject to disciplinary action as outlined in OMS 103.01.
 - 6. Officers must appear in court ready to testify within 60 minutes of the first phone call made by the liaison officer, victim advocate or attorney. The 60 minute time starts regardless of whether contact was made or a message left. Officers who do not arrive within the 60 minute limit will be considered FTA and subject to disciplinary action.
 - 7. Officers not placing themselves on-call must appear in court as required by the subpoena.
 - 8. An officer who appears in court after an announcement of a continued or a disposed case will not be compensated for his/her court appearance.
 - b. General Session Courtrooms 3F, 3G and 3H
 - 1. On-call numbers: Officers who have questions regarding a court case prior to the date of the court case may contact the Court Liaison Unit at the following telephone numbers:

Courtroom 3E	720-337-0814
Courtroom 3F	720-337-0820
Courtroom 3H	720-337-0838
Courtroom 3G	720-337-0831
 - 2. On the day of the trial, the Assistant City Attorney may call the officer subpoenaed to discuss whether a court appearance will be necessary. The officer must be available at one of the numbers the officer has designated for on-call status.
 - c. County Courtrooms 3A, 3B, 3C and 3D
 - 1. On-Call Numbers: Officers who have questions regarding a court case prior to the date of the court case may contact the Court Liaison Unit at 720-337-0771:
 - 2. On the day of the trial, the Deputy District Attorney may call the officer subpoenaed to discuss whether a court appearance will be necessary. The officer must be available at one of the numbers the officer has designated for on-call status.

d. District Court TRIALS

1. If, after checking case status with the Victim Advocate office and determining that the case is still on the docket, the officer will leave his name and badge number, the case number on which he is calling and a telephone number where he can be reached or where a message can be left for him between 0800 hours on Monday and 0930 hours on Tuesday (or 0800 Tuesday to 0930 Wednesday, if Monday is a holiday).
2. Between 0800 hours Monday and 0930 hours Tuesday, the Victim Advocate will contact or leave a message for the officer concerning the case, if the officer is needed. The Victim Advocate will advise the officer when an appearance will be necessary. The officer shall appear in response to the subpoena ONLY after being requested to do so by the Victim Advocate.
3. If the officer does not receive a message from the Victim Advocate by Tuesday at 0930 (or 0930 Wednesday if Monday is a holiday), he is released from that subpoena.
4. It will not be necessary for the officer to remain at the telephone number he designates for any period of time, only that he be able to be reached at that number or receive a message at some time in the 24 hour period. If the officer is not contacted by the Victim Advocate within that time, he may disregard the subpoena.

(5) Compensation for Off-Duty Court Appearances

- a. Officers subpoenaed by the Denver City Attorney, Denver District Attorney, State Motor Vehicle, other city, state, federal officials and court officers because of police actions taken for the Denver Police Department are entitled to off duty court appearance compensation.
- b. A minimum of two (2) hours or the actual time involved, whichever is greater, will be awarded for an appearance in court or other hearing. The time will be converted at the overtime rate and will be compensated in cash payment or compensatory time, at the officer's election, with the following exceptions:
 1. Court sessions beginning less than two hours before an officer is to report for duty will be considered continuous duty overtime, with the time calculated from the beginning of the court appearance until the officer's scheduled reporting time for duty.
 2. Court sessions beginning when an officer is on duty and continuing beyond the scheduled end of shift will be considered continuous duty court overtime for the actual time involved.
 3. Officers who are on inactive duty because of line of duty injuries will not receive extra compensation for court appearances.
 4. Officers using sick leave for other than line of duty injuries will be compensated at straight time, without that time being deducted from their sick banks.
 5. Pretrial conferences and depositions will be compensated at the officer's election. Any funds received from other parties must be remitted to the Financial Services Bureau.
 6. Officers appearing in other jurisdictions will be compensated at their election. Any funds received from other jurisdictions must be remitted to the Financial Services Bureau.
 7. Responding to a court appearance is not an instance of call-out overtime as described in OMS 505.03(4).
 8. Captains shall receive compensatory time for court appearances at a straight time rate.
- c. Off-duty officers subpoenaed or directed by the Department to testify in civil cases as result of official police actions, or to give expert testimony, have the choice of accepting the compensation provided by the other party or remitting the funds to the Financial Services Bureau and receiving compensation as in the procedures outlined above.

- d. Officers subpoenaed to appear in court out of state, resulting from an action taken as a Denver Police Officer shall forward the subpoena to the Chief of Police through the chain of command. The Chief shall have the validity of the subpoena confirmed and, if necessary, grant leave to the subpoenaed officer. Officers subpoenaed as a result of actions taken while employed by another law enforcement agency will be granted days off to attend court. The officer may request that Special Assignment time be approved through the Chief of Police.
 - e. Any officer who calls in sick to court must call Court Liaison prior to the time listed on the officer's subpoena. Please realize that the subpoena is a court order and Court Liaison does not have the authority to excuse officers from any subpoena. Court Liaison will notify the court that the officer is sick, but the court may still require the officer to appear.]
- (6) Compensation for On-Duty Court Appearance
Any officer receiving compensation from other agencies or individuals for any court appearance made while on duty must remit the funds to the Financial Services Bureau. Officers may keep the compensation for court appearances on their own time.
- (7) Personal Appearance in Court
Officers presenting themselves in court as witnesses or in any other official capacity shall appear properly groomed and professionally dressed. See OM RR-501.
- a. The regulation uniform may be worn by all officers when appearing in court. It is to be in good repair, clean and well pressed. Leather, brass and footwear shall be well polished. Badge and name plate will be properly positioned. Uniform caps, if worn, will be removed when inside the courtroom.
 - b. Non-uniform attire will be conservative and reflect a professional demeanor. It will be in good repair, clean, and well pressed.
 - 1. Male officers in non-uniform attire shall wear business suits or slacks and sport coats, dress shirt, neckties and complimentary footwear.
 - 2. Female officers in non-uniform attire shall wear tailored dresses, skirted or pant suits, and blouses with sleeves as well as complimentary footwear.
 - c. Casual or leisure time attire, such as jeans, sundresses, shorts, or barefoot sandals, is unacceptable.
 - d. Officers appearing in court as litigants in matters that are not within the scope of their employment shall not be in uniform, nor shall they be armed.
 - e. Each judge of the Denver District Court has full authority to exclude firearms and weapons, and any person bearing same, from his or her courtroom as that judge deems appropriate, without giving a reason.
- (8) Officers Subpoenaed by Defense
- a. Any officer subpoenaed by the defense shall strictly comply with the subpoena, or risk contempt proceedings against the subpoenaed officer
 - 1. Vacations, military leave, ASL, sick leave, and/or time off are not justifiable reasons for failure to comply with defense subpoenas.
 - 2. Officers may, on their own behalf, attempt to contact the issuing defense attorney and make individual arrangements with the attorney.
 - a. Such arrangements shall be documented in writing.
 - b. A copy of the documentation shall be forwarded to the Court Liaison Office.
 - 3. Neither the prosecuting attorney nor the Police Department have control over the defense subpoena process.
 - b. While the officers shall comply with subpoenas issued by defense attorneys, the Court Liaison Unit shall be available to assist individual officers who need help assistance in negotiating with the defense attorneys for continuances or other arrangements.
 - c. District and bureau commanders shall keep and maintain a subpoena book for logging in all subpoenas forwarded to officers through Court Liaison from defense attorneys.

103.03 Cooperation with District Attorney and City Attorney

- (1) All Denver Police Officers are required to cooperate with the Denver District Attorney's Office, Denver City Attorney's Office, and the Denver County Court in properly prosecuting criminal violations. All charges shall have adequate evidence for court presentations to support the charge.
- (2) After filing charges and prior to the time the case is heard by the Court:
 - a. Officers may, for good and sufficient reason, request of the District Attorney or City Attorney an amendment to the original charge or charges, or the dismissal of any of the charges. The decision to change or amend charges is up to the District Attorney or City Attorney.

Officers may discuss such matters with the District Attorney or City Attorney, but it must be clearly understood that it is solely the province of the District Attorney or City Attorney to make binding decisions on such matters.
 - b. In the event an officer is contacted by anyone besides a Judge, District Attorney, or City Attorney requesting an amendment of any charges that have already been filed with the court, they shall immediately report it to their commanding officer.

103.04 Officers Named as Defendants in Civil Suits

- (1) Any time officers are named as defendants in a civil suit that is brought as a result of a police action, or if there is reason to believe that they may be named as defendants in a civil suit, they will at the earliest possible time report to the Civil Liability Bureau.
- (2) When an officer has been served with a Civil Summons and Complaint, he shall respond in person to the Civil Liability Bureau with a copy of the Summons and Complaint, without delay.
- (3) The Civil Liability Bureau will be responsible for any necessary investigations, gathering the necessary documents and reports, and all necessary notifications to appropriate personnel. The listed steps are necessary for the officer's benefit and protection.
- (4) Failure to follow the above or any effort to arrange personal defense without having consulted the Civil Liability Bureau could jeopardize the liability coverage or defense of the lawsuit.
- (5) Any officer who does not wish to be represented by the City Attorney's Office or attorneys appointed by the City and County of Denver, for civil defense, and who chooses to obtain counsel at the officer's own expense, will so state in writing to the Civil Liability Bureau, the Chief of Police, and the City Attorney's Office, that the officer clearly understands that the Police Department and the City and County of Denver are relieved of any and all liability awards that may result against the officer in any civil suit brought against that officer.
- (6) Officers shall not testify in civil cases unless legally subpoenaed or directed by a letter from the department. See OMS 103.01(3).
- (7) Any officer summoned or requested to give a deposition in a civil case as a result of an official police action shall contact the Civil Liability Bureau before doing so.

103.05 Court - Manner of Testifying

- (1) Officers testifying in court shall avoid any indication of bias, prejudice, or anger. They shall testify in a clear, concise, and distinct manner. Questions shall be answered promptly, truthfully, and without trace of evasion. Personal behavior shall be exemplary both while in court waiting call and while on the witness stand.

103.06 Testifying for the Defendant

- (1) In accordance with Rule and Regulation 1004, officers who are subpoenaed or requested to testify for the defense or against the City of Denver or interest of the Department shall notify in writing their commanding officer and the district or city attorney. Additionally, a synopsis of the testimony to be given shall be included with such notification when:
 - a. A character reference or endorsement is to be provided by the officer.

- b. The officer has direct or indirect, personal, financial, or employment relationships with the party or business entity which is the subject of such hearing.
- (2) The same procedure will apply when testifying before Excise and License, Department of Revenue, or other regulatory hearings.

103.07 Civil Liability Bureau

- (1) The officers assigned to the Civil Liability Bureau are available on a twenty-four (24) hour basis and can be reached through Denver 911.
- (2) The officers assigned to this unit shall investigate all claims of injury and damaged property resulting from the actions by members of the police department.
- (3) The officers assigned to this unit will be responsible for the processing of civil law suits brought against members of the department.

103.08 Jury Duty

- (1) Members shall notify their commanding officers upon receipt of summons to appear as a juror.
- (2) Officers summoned to serve on jury duty, will enter the excused work code on their TeleStaff calendar for the appropriate date and type in "jury duty" in the notes field.
- (3) All fees for jury service shall be returned to the Denver Police Financial Services Bureau. (Police officers are not allowed to accept compensation while serving on City time.)
- (4) Any officer who is summoned to perform jury duty shall suffer no loss of pay or benefits for any and all time spent in the performance of such service or in response to such summons.

103.09 Legal Opinions

- (1) In an effort to maintain continuity and chain of command, all officers are instructed to send requests for legal opinions from the City Attorney of the City and County of Denver through their own superiors to the Office of the Chief of Police.
- (2) This office shall transmit all requests for legal opinions involving law, procedure or any other matter that the City Attorney is responsible for through the Office of the Manager of Safety.

104.00 - ARRESTS**104.00 Arrests**

- 104.01 General Arrest Procedures
- 104.02 Female Suspects and Prisoners
- 104.03 General Sessions Summons and Complaint, DPD 287
- 104.04 Investigation and Hold Arrests
- 104.05 Changing Charges
- 104.06 DELETED 04/2013
- 104.07 City Ordinance Violations Committed Out of the Officer's Presence or by a Suspect No Longer at the Scene
- 104.08 Warrantless Arrests
- 104.09 Central Want and Warrant File (Persons and Property)
- 104.10 Arrest Warrants
- 104.11 Searches and Seizure
- 104.12 Warrantless Searches of Automobiles
- 104.13 Plain View Doctrine
- 104.14 Assisting Peace Officer
- 104.15 Right to Communicate with Attorney and Family
- 104.16 Duty of Officers to Admit Attorney
- 104.17 Treatment While in Custody
- 104.18 Processing Pick-ups or Cancellations for Wanted Persons and/or Property
- 104.19 Writs of Habeas Corpus
- 104.20 Use of DPD 366, Statement
- 104.21 Use of DPD 368, List of Witnesses
- 104.22 Use of Advisement, DPD 369
- 104.23 General Session Order-Ins to Court
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104.00 - ARRESTS**104.01 General Arrest Procedures (Revised 10/2014)**

Arrest Defined: A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge.

The purpose of an arrest is to bring the arrestee before a court or otherwise secure the administration of the law.

Investigatory stops or detentions are not considered arrests but must be limited and temporary, lasting no longer than necessary to carry out the purpose of the stop or detention. An investigatory stop that lasts too long turns into a de facto arrest that must comply with the warrant requirements of the Fourth Amendment. But no bright line exists for determining when an investigatory stop becomes a de facto arrest, as courts are reluctant to hamstring the flexibility and discretion of police officers by placing artificial time limitations on the fluid and dynamic nature of their investigations. Rather, the test is whether the detention is temporary and whether the police acted with reasonable dispatch to quickly confirm or dispel the suspicions that initially induced the investigative detention.

Definition taken from West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc

- (1) Arrest by peace officer. A peace officer may arrest a person when:
 - a. There is a warrant commanding that such person be arrested; or
 - b. Any crime has been or is being committed by such person in the officer's presence; or
 - c. There is probable cause to believe that an offense was committed by the person to be arrested. An arrest warrant must be obtained when possible. Officers have the right to make a warrantless arrest when exigent circumstances exist, i.e. urgent, critical or those that require immediate action.
 - d. Denver Police officers may arrest persons outside Denver's jurisdiction and within the State of Colorado for felonies and misdemeanors that are being, or have been committed, in the presence of a Denver Police officer.
 1. This authority does not extend to Denver Police officers on suspended status.
 2. All Denver Police officers will be accountable to existing procedures or directives governing arrests, use of force and reporting of the same.
 3. All Denver officers making an arrest outside Denver's jurisdiction will report their actions to their commanders in writing before the completion of their next duty shift. An officer on vacation or ASL will make the notification by phone within 24 hours of the arrest.
 4. The local law enforcement agency having jurisdiction shall be immediately notified. Any person arrested shall be released to the custody of the local law enforcement agency. Denver officers will complete any reports required by the local law enforcement agency
 - e. Officers shall not make arrests for offenses when a warning or citation would suffice.
 - f. Individuals may be arrested and subsequently released, without being incarcerated, for reasons that include, but are not limited to, the following:
 1. An arrest was made on the mistaken identity of the person.
 2. An arrest warrant has been recalled or previously served without the officer's knowledge.
 3. Subsequent to an arrest but prior to incarceration, the officer determines that probable cause no longer exists to make an arrest.
 - g. Officers will not place a person under arrest and subsequently release the same individual without fulfilling at least one of the following obligations:
 1. Serve the arrested party with an order-in citation; or

2. Seek the approval of a higher ranking officer prior to releasing the individual. The approving officer must be satisfied that there are no adequate grounds for criminal complaint against the arrested person prior to their release. At minimum, the approving officer must be from the rank of lieutenant, or in the absence of an on-duty lieutenant, the officer's sergeant can make the approval but must notify the lieutenant in their chain of command by leaving documentation of the incident for the lieutenant to review. The arrested party, description of the incident and name of the approving command officer will be documented by the arresting officer in the form a street check. Officers will select the appropriate reason code (Released from Custody) when completing the street check. Documentation must be completed prior to end-of-shift.
3. Officers working secondary employment must comply with #2 above and provide the required documentation to the responding on-duty lieutenant or sergeant.

- (2) Arrest - when and how made.
 - a. An arrest may be made on any day and at any time of the day or night.
 - b. All necessary and reasonable force may be used in making an arrest.
 - c. All necessary and reasonable force may be used to effect an entry upon any building or property or part thereof to make an authorized arrest. C.R.S. §16-3-101. If on federal property, see OMS 104.28.
- (3) Stopping of suspect. A peace officer may stop any person who the officer reasonably suspects is committing, has committed, or is about to commit a crime, and may require the person to show identification. Officers have the right to ask the following:
 - a. Name
 - b. Address, (if the person is driving a motor vehicle, officers may ask for):
 1. Driver's license
 2. Automobile registration
 3. Proof of insurance
 - c. An explanation of the subject's actions (i.e. where they are coming from or going to). The person does not have to reply. The stopping shall not constitute an arrest. C.R.S. §16-3-103.
- (4) When a peace officer has stopped a person for questioning and reasonably suspects that his personal safety requires it, he may conduct a limited search, or FRISK by patting down the outer clothing for weapons.
 - a. If a FRISK reveals what feels like a weapon, he may search for and remove it from the clothing. The officer may take any:
 1. Weapon
 2. Contraband (Possession of any illegal item)
 3. Stolen goods
 - b. If the FRISK reveals what feels like a weapon, the officer will have cause to arrest and make a full search of the person and the immediate area within the person's reach.
 - c. At the conclusion of a "stop and frisk", you must arrest or let the person go.
- (5) There are rules regarding searches of a person, his home, and his car. Generally, a police officer may search only (except for certain emergency situations):
 - a. With the person's permission
 - b. With a search warrant
 - c. When an arrest is made
- (6) A person has the right to know for what he is being arrested, and to be advised of his rights when required.
- (7) All persons taken into custody must be searched for weapons and contraband, while ensuring that it is done in a reasonable and appropriate manner. Regardless of the gender of the suspect an officer is authorized to search for and remove weapons. Common sense must prevail regarding the manner and level of intrusion. Having an officer of the same sex as the suspect conduct a search may or may not be a practical or necessary option. The following considerations should be taken into account:
 - a. Type of crime committed
 - b. Type of clothing worn by the subject / suspect
 - c. Knowledge that the person is carrying or has carried weapons in the past

- d. The level of intrusion deemed necessary
 - e. Presence and immediate availability of an officer of the same sex as the subject
 - f. General efficiency in handling a given situation
 - g. Other potential exigencies or factors
- (8) Strip Searches or Body Cavity Searches - When Authorized or Prohibited (C.R.S. §16-3-405).
- a. "Strip search" means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such person.
 - b. No person arrested for a traffic or a petty offense shall be strip searched, prior to arraignment, unless there is a reasonable belief that the individual is concealing a weapon or a controlled substance or that the individual, upon identification, is a parolee or an offender serving a sentence in any correctional facility in the state or that the individual is arrested for driving while under the influence of drugs.
 - c. Any strip search that is conducted shall be performed by a person of the same sex as the arrested person and on premises where the search cannot be observed by persons not physically conducting the search.
 - d. Every Denver police officer conducting a strip search shall obtain the written permission of the police commander or an agent thereof designated for the purposes of authorizing a strip search. A Command Officer, Sergeant, or Acting Sergeant is delegated the authority to give written permission.
 - e. No search of any body cavity other than the mouth shall be conducted, without first obtaining a search warrant. In cases where a person is suspected of having secreted narcotics or contraband in a body cavity, assistance shall be obtained through Denver 911 from the on call Vice/Narcotics Bureau supervisor and the on-call attorney from the Denver District Attorney's Office.
 - 1. Written permission will also be required from a police command or an agent thereof authorizing the strip search and/or body cavity search.
 - 2. The search must be performed under sanitary conditions and conducted by a licensed physician or nurse.
 - f. Written permission for a strip search shall be obtained on Strip Search Authorization, DPD 81. The completed form will be retained by the police department and will be maintained in the detective's case filing.
- (9) Officers should order-in, rather than jail, persons who have committed traffic offenses. See OMS 204.05. The following traffic offenses are excepted.
- a. DUI cases - See OMS 204.05(2)c.
 - b. Traffic cases where resistance or interference is involved. See (10) b.
 - c. Juvenile Traffic Arrests
 - 1. When necessary to arrest a juvenile for a traffic violation, the violator shall immediately be taken to Traffic Investigations Unit. See OMS 204.17
 - 2. The investigator will determine if the juvenile is to be incarcerated. The investigator will contact Juvenile Intake to confirm whether the juvenile will be held or not. The decision of Juvenile Intake will be final.
 - 3. Prior to incarcerating a juvenile, the investigator shall place appropriate approval on the reverse side of the City Attorney's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice. See OMS 204.17(7).
- (10) Officers should, at their discretion, order-in rather than jail in assault and disturbance cases, if, in their opinion:
- a. There is no danger of a continuing assault and no danger to other persons, and
 - b. No resistance or interference to the officer involved. Prior to incarcerating a person on the charge of resistance and/or interference, the officer shall receive approval from a superior officer. The officer's log sheet entry shall include the name of the superior officer approving the incarceration. See OMS 105.00, Use of Force.
 - c. For other minor misdemeanors, the officers should generally order-in rather than jail unless there is resistance or interference to the officer.
 - d. If you are in doubt, call your sergeant.

- (11) The scout car shall be used to transport all prisoners whenever possible. Juveniles may be transported in the scout car only in an emergency situation with a supervisor's permission.
- (12) When it is necessary or advisable to transport a prisoner in a solo officer car, the handcuffed prisoner shall be secured with a safety restraining device while sitting in the front seat and to the right of the officer. All necessary precautions will be taken by the officer.
 - a. When the police vehicle is equipped with a prisoner cage, all prisoners being transported shall be handcuffed and placed within the cage. Prisoners shall be secured with a safety restraining device unless, by their resistance or non-cooperation, this is neither practical nor safe for the officer.
- (13) When transporting a prisoner in a two officer car, the handcuffed prisoner will be secured with a safety restraining device while seated in the right rear seat. One officer shall always be seated to the left of the prisoner and directly behind the officer driver. All necessary precautions will be taken by both officers.
- (14) After a suspect has been arrested, the officers shall search the scene of the arrest for weapons, contraband, or evidence that may have been concealed, dropped, or thrown away by the suspect.
- (15) After the suspect has been transported in a patrol car or the scout car, the vehicle shall be searched by the officer for any weapons or evidence that the suspect may have been able to discard therein.
- (16) Keep all suspects separated.
- (17) Do not take suspect(s) back to the scene of the crime or allow them to return to their home, room, car, or elsewhere on any pretext without the consent of a supervisory officer.
- (18) Identification of suspects: When a description of a suspect is so general that there is uncertainty that the proper suspect is being detained, the victim or witness should be transported to the location of the stop to make identification.
- (19) At no time shall a charge of "Safe Keeping" or "Shelter" be placed against a prisoner without authorization of a commanding officer.
- (20) Fugitive Arrests (Revised 05-2011)

- a. Except in instances of fresh pursuit, fugitives who are arrested in the City and County of Denver for other law enforcement agencies, shall be booked into the Denver Detention Center, "Hold for Fugitive Unit."
 - 1. If there is a representative from another agency who possesses a valid arrest warrant for the fugitive and makes a request that the fugitive be released to their custody, a command officer may approve the release if:
- b. The fugitive is not wanted by Denver on a felony warrant or any Denver probable cause warrant, and if
 - 1. The arrest did not result in a use of force or a report of injury prior to arrest.
 - 2. The approving command officer will report the circumstances on a DPD 200, along with a picture of the suspect and forward the information to the Investigative Support Division Commander.
- c. Prior to jailing persons wanted by other jurisdictions, the arresting officer shall bring the party to the Identification Section for warrant verification and bond information.
- d. The arresting officer must receive a copy of the warrant, a verified signed copy of the computer hit, or a copy of the request for verifying computer hit information to attach to the Warrant Arrest Report, DPD 288. Persons wanted on out-of-state warrants will be charged with "Hold for Fugitive Unit". Persons wanted on in-state warrants will be held for that jurisdiction, i.e., "Hold Jefferson County Sheriff Department, Warrant # xxxxx".
- e. Whenever an individual is arrested on an out-of-state warrant, the arresting officer shall make a photocopy of the completed Warrant Arrest Report, DPD 288, and attach it to a letter to the Fugitive Unit which outlines the circumstances of the arrest.
- f. Outside law enforcement agencies arresting persons who are wanted on any Denver warrant have the following options:
 - 1. The arresting agency may process the prisoner through its own facility and later transfer the party to the Denver Detention Center by personnel of the Denver Sheriff Department. These arrangements shall be made by the Fugitive Unit.
 - 2. The arresting agency may bring the prisoner to Denver's Identification Section, verify identity, obtain a copy of the warrant, and deliver the prisoner to the Denver Detention Center for booking.

- g. Juveniles arrested by an outside jurisdiction.
 - 1. Juveniles wanted by Denver for criminal offenses, but arrested in another jurisdiction, will be processed by the arresting jurisdiction in accordance with OMS 104.01(20).
 - 2. Juveniles arrested by another jurisdiction may be transported to the custody of a Denver officer at the City boundary if they are runaways (reported or non-reported) or victims of abuse or neglect occurring in Denver. The arresting jurisdiction must contact Denver 911 to arrange transportation.
- h. Members of the Denver Police Department will not be sent to or agree to meet a representative of an outside agency for the purpose of accepting a prisoner for transportation to the Denver Detention Center.
- (21) Officers shall not take action on any case reported personally to them, where the Department does not have the original jurisdiction except arrests with warrants, without the approval of their commanding officer.
- (22) Fresh Pursuit
 - a. C.R.S. §16-3-106 of the Colorado Revised Statutes (C.R.S.) gives a police officer three (3) alternatives in pursuing a suspect across county lines:
 - 1. To arrest the suspect
 - 2. Issue a summons and complaint
 - 3. Issue a notice of penalty assessment (Not used in Denver)
 - b. A suspect would only be taken into custody in subsection a. 1 above:
 - 1. After pursuit and upon an arrest, in a county other than Denver, the suspect shall be returned and booked in at the Denver Detention Center. (It is not necessary to have the suspect booked into the jail in the county where apprehended; however, as a matter of courtesy the appropriate agency in the jurisdiction will be notified.)
 - 2. Any offense that the suspect might have committed while being pursued in another county would be considered as a continuing offense, which could be included along with the original charge and tried in Denver County Court. See C.R.S. §18-1-202(7).
- (23) Reference can be made to the Mechanics of Arresting, Searching, and the Transporting of Prisoners in the Training Bulletins.
- (24) Investigation Division Arrest Procedures for Adults
 - a. All adults arrested between the hours of 7:30 a.m. and 4:00 p.m., for investigation of an offense or pursuant to a warrant, who are the responsibility of the Investigation Division, shall be taken directly to the Investigation Division by the arresting officer.
 - b. The arresting officer will simply take the prisoner, and all related paperwork to a supervisor of the bureau involved. This supervisor will then review the case and assign a detective to the cases requiring immediate attention.
 - c. For those adult arrests that occur between 4:00 p.m. and 7:30 p.m., the arresting officer shall contact his immediate supervisor who will be responsible for approval of all paperwork. The officer shall then forward the paperwork, in Arrest Package Envelope, DPD 130, to the appropriate bureau and book the prisoner for "Investigation" of the applicable offense. NOTE: Statements and documentation must clearly articulate probable cause and all details of the arrest, for each charge.
 - d. In either instance, the supervisor will have final authority in determining the charges placed against the suspect. The supervisor will ensure that all documents necessary to establish probable cause and support the arrest are complete and have been approved by them, prior to being forwarded.
 - 1. Once all paperwork is approved for a felony arrest, the arresting officer will take the accused to the Detention Center, or arrange for transport of the arrestee by Scout Car. In addition to the documents currently required, the arresting officer will also provide the jail with a completed Felony Processing, DPD 275, for bonding and advisement purposes. A thorough Statement of Probable Cause articulating all elements of the offense must accompany the Felony P.A.
 - 2. Should the suspect be held for investigation of a misdemeanor, a completed Misdemeanor Processing, DPD 314, must accompany the suspect to the Detention Center. A thorough Statement of Probable Cause, articulating all elements of the offense, must accompany the Misdemeanor P.A.
 - 3. Officers will not place any dollar amounts for bonds on Felony or Misdemeanor Processing Forms, or on the bottom of the Criminal Summons & Complaint.

4. Each of these forms shall be completed at the direction of the supervisor approving the arrest and paperwork.
 - e. All juvenile arrests must be processed through the Juvenile Intake Desk.
- (25) Arrest of Denver Community Corrections Inmates
- a. When called to a residential halfway house to arrest a rejected inmate placed by the Denver Community Corrections (D.O.C.) Board, the responding officer(s) shall search, handcuff, and transport the subject to the Detention Center.
 - b. The arresting officer(s) will not be required to complete a General Session Summons & Complaint. The staff member at the halfway house will provide the officer with a completed "Officer's Arrest Report", Denver Sheriff Department Form #38, showing the charge of "Hold/Violation of Probation".
 - c. If any additional violations such as resistance, disturbance, etc., occurred during the arrest and transportation of the prisoner, the transporting officer will file these charges on a General Session Summons & Complaint.
 - d. This procedure applies only to Denver District Court Probation clients and NOT to Colorado Department of Corrections (D.O.C.) parolees. Both agencies operate community-based corrections facilities in Denver.
- (26) Arrest of Denver Police Officers, Denver Sheriffs, or any other Law Enforcement Officers
- a. Whenever it becomes likely that probable cause exists to arrest or to file any charges on a Denver Police Officer, Denver Sheriff, or any other Law Enforcement Officer within the City and County of Denver, the Internal Affairs Bureau will be notified immediately to assess whether this bureau will handle the filing and/or charging of the officer or sheriff.
 - b. Whenever a Denver Police Officer or Denver Sheriff is criminally charged or arrested in another jurisdiction, the Internal Affairs Bureau shall be notified as soon as possible, if not by the jurisdiction involved, by the officer or sheriff themselves.

104.02 Female Suspects and Prisoners

- (1) Females shall not be touched by male officers except when necessary to take them into custody and to discover and seize weapons.
- (2) When females are transported, the dispatcher will be notified of the vehicle unit number, starting mileage and destination. Upon arrival, the officer will give his ending mileage.
- (3) Females shall not be interviewed alone by a male officer at Headquarters or district stations unless there is visibility into the room through glass or an open door, or a room where video monitoring equipment is present and in operation.
- (4) Females shall not be transported in the scout car with male prisoners unless they are husband and wife, or when the scout car has the accommodations for separation.

104.03 General Session Summons and Complaint, DPD 287

- (1) The General Session Summons and Complaint form is used whenever an adult suspect is charged with a violation of the Denver Revised Municipal Code (D.R.M.C) or Colorado Revised Statutes (C.R.S.), EXCEPT TRAFFIC. The completed form shall accompany the prisoner to the Detention Facility or be processed by the Courts in the case of an order in.
- (2) The General Session Summons and Complaint is a legal document, consisting of an original and three copies. The top sheet is the original of the complaint and the actual court docket. The first copy is the Defendant's Copy, the second copy is the Police Department's Copy, and the third copy is the City Attorney's Copy.
- (3) Front side of form:
 - a. All writing on this form must be done with a black ball point pen using sufficient pressure to ensure that all handwritten information on all copies of the document is legible. The cardboard flap of the book must first be placed under the last copy of each set of the form to ensure a hard writing surface. All handwritten information is to be printed in block letters except for the officer's signature.

- b. If the officer is unable to obtain the correct name, address, place of employment, or date of birth, he will leave the space provided blank and the sheriff will complete. If the suspect refuses to provide a name, the officer will write "John Doe" or "Jane Doe", (whichever applies) on the top of the GSS&C in the blank space immediately to the right of the words "GENERAL SESSION SUMMONS AND COMPLAINT".
- c. To charge a defendant with an offense not listed on the face of the Summons and Complaint, the arresting officer will print the appropriate section number and a brief description of the violation in the space marked "other violations".
- d. Arresting officers, when jailing or ordering defendants into court on the General Session Summons and Complaint, will make the appearance date to schedule a court date fourteen (14) days later, if such fourteenth day is a court day. If the fourteenth day is not a court day, the return date shall be on the next court date following the fourteenth day. Officers must be careful to avoid making the return date on Saturday, Sunday, or a holiday. (The General Session Summons and complaint states defendants may call the county Court or appear in person to schedule a court date.)
- e. In the case of a warrantless arrest, when the suspect is jailed, the bottom half of the form "Statement of Probable Cause", must be completed. If additional space is needed, use Statement of Probable Cause, cont., DPD 287A. See OMS 104.08. For a definition of probable cause, see OMS 104.50(4)b.

(4) Reverse side of form:

- a. The reverse side of the original copy of the complaint is the court "docket" and is not to be used by officers.
- b. After filling out the face of the original complaint, a carbon must be inserted between the Police Department's Copy and the City Attorney's Copy so that when the back of the City Attorney's Copy is written upon, this information will also appear on the back of the Police Department Copy.
- c. The back of the Police Department's and the City Attorney's copies must contain all the pertinent information concerning the description of the prisoner and clothing, and the details of the arrest, which should begin with the date, time, and location of the arrest. If the prisoner was jailed and this information is included in the "Statement of Probable Cause" on the face of the form, it need not be repeated in the Officer's Notes.
 - 1. If more than one person was charged by officers in a single event, this information should be recorded on the "co-defendant" line. This will enable the courts to "cross-reference" the cases.
 - 2. Any injuries to the prisoner must be documented; if there are no injuries, enter "none".
 - 3. Officers' notes should include any voluntary statements made by a prisoner concerning infectious diseases. A notation should also be made when a subject has blood or bodily fluids present on his person or clothing.
 - 4. List information concerning autos, vehicle license plates, and operator licenses when required.
 - 5. If the prisoner is not booked, but is sent to Denver Health Medical Center with a hold order, the following procedure shall apply:
 - a. All patients who are on a Denver Police Department hold for arrest who are or who indicate they may become combative will be handcuffed and transported with a Denver Police officer accompanying the patient in the ambulance, en route to the hospital. All other patient/prisoners on a Denver Police Department hold will be handcuffed and transported via ambulance with a Denver Police officer following directly behind the transporting ambulance. The prisoner/patient will remain the responsibility of the Denver Police Department officer until custody is transferred to the Denver Sheriff's Department at the Denver Health Medical Center (D.H.M.C.).
 - b. Searching of the patient/prisoner prior to transport will be the responsibility of the Denver Police officer who effected arrest unless it would interfere with the necessary medical treatment. In the event that a search cannot be accomplished, a Denver Police officer will accompany the patient/prisoner in the ambulance unless the following exception applies: Whenever a patient/prisoner in critical condition is transported from the field without a Denver Police officer escort, officers will respond to D.H.M.C. to cause custody transfer to the Denver Sheriff's Department. Also see OMS 109.02(2) Sick and Injured Report, DPD 150.

- c. Names, addresses, and telephone numbers of witnesses, accomplices, and complainants should be listed, and designated whether a witness or an accomplice, so if the prisoner pleads not guilty, the court may summon a witness to court for testimony. Officers shall inquire as to whether the witnesses and complainants wish their addresses to remain confidential. If the complainant or witness so indicates, officers shall check the "Address Confidential" box found on the bottom of the page. The City Attorney's office will then withhold this information during discovery proceedings.
- d. After making all necessary entries on the General Session Summons and Complaint form, the officer completing the form shall determine which officer involved in the arrest is most qualified, because of personal knowledge of the facts of the case, to be the best witness for the prosecution. The name and serial number of this officer shall then be placed on the top line on the front of the General Summons and Complaint form. This officer shall be the only police witness to receive a court appearance notice.
- e. Endorse all officers who are needed for the successful prosecution of the case. Only testimony of a competent witness is admissible. Unless an officer has personal or direct knowledge of the facts of a case, he is not a competent witness in that case.

(5) Service and Distribution of Summons and Complaint

- a. When the General Session Summons and Complaint form is completed, and it has indicated the date, time, and by whom it was served, the Defendant's copy shall be given to the defendant.
- b. If the defendant is jailed, the remaining copies shall be delivered to the Detention Center where they will be processed.
- c. In cases where it would not be practical to serve the Summons (Defendant's Copy) to the prisoner, for example, when the prisoner has refused to provide a name, leave the "date served" blank and send the complete form to the Detention Center. When the identity of the prisoner has been determined by the Police Identification Section, a Technician from the Police Identification Section will be sent to the Detention Center to serve the prisoner with the defendant's copy of the GSS&C. If the Police Identification Section is unable to determine the identity of the prisoner, court personnel will determine an appropriate name at arraignment and be responsible for service of the defendant's copy.
- d. If the defendant is being ordered-in to court, the remaining copies of the GSS&C will be sent to the Records Section for distribution.

104.04 Investigation and Hold Arrests

- (1) When a prisoner is arrested for investigation or on a "hold" for a certain bureau, an agency or institution, the officer will use the Police Department copy only. In the lower left-hand corner of this copy in the space marked "other violations" the words "investigation of" and/or "hold for" will be noted along with the nature or type of investigation or hold and the agency for which the hold is placed.
- (2) Officers shall not book a prisoner for "investigation" of any offense without first notifying the appropriate investigative unit.
 - a. For those arrests occurring between 1530 hours and 0730 hours, the arresting officer will contact his/her immediate supervisor who will approve all paperwork and route it to the appropriate investigative unit.
 - b. The arresting officer will complete a written statement detailing his/her actions and observations of the arrest.
- (3) "Hold Orders" shall not be placed against persons who attempt suicide, or against witnesses or victims of assaults, nor shall these persons be transported in a scout car.
 - a. "Hold Orders" shall not be placed against persons sent to Denver Health Medical Center unless they are charged with a violation of the law, investigation of an offense, or "Hold for Mental Health."
 - b. All "Hold Orders" placed by officers on prisoners at the County Jail shall be made in writing and signed by the officer placing the "Hold."
 - c. "Hold Orders" shall be removed or withdrawn in writing and signed by the officer withdrawing such "Hold."
 - d. The County Jail will notify officers when prisoners with "Holds" become eligible for release. Upon such notification, the officer or someone acting in their behalf will arrest the prisoner upon their release at the County Jail.

- (4) Every person arrested and jailed on an investigation charge must be advised of their rights and made eligible for bond at the next scheduled court session following the arrest. The arresting officer will complete either a Felony Processing Form, DPD 275, or a Misdemeanor Processing Form, DPD 314. Officers will not place any dollar amounts for bonds on Felony or Misdemeanor Processing forms unless it is noted on the arrest warrant. The appropriate processing form will accompany the prisoner to the Detention Facility.
- (5) Each investigator of the Department will be responsible for the charges against prisoners in the Detention Facility which are their responsibility to investigate. It shall be the duty of the investigating officers to make sure such cases are processed with no unnecessary delay. Arresting officers may check with both the Investigative Unit and the Detention Facility for information on the status of the case.

104.05 Changing Charges

- (1) Only the arresting officers or detectives assigned to a case may change charges. Identification Section personnel will add a charge when there is an active pickup in their files. Identification Section personnel will not change the original charge.
- (2) Officers will use a Change of Charge Form, DPD 43, when dropping, adding or changing charges against prisoners under their investigation.
 - a. The investigating officer will indicate on DPD 43 either the charges filed or release the "investigation" charge and the prisoner from custody.
 - b. The investigating officer shall deliver, either in person or by fax, the Change of Charge Form to the Identification Section. Personnel assigned to the Identification Section will cause the Change of Charge Form to be scanned into the prisoner's Arrest-Booking Record and the appropriate add or drop charges will be entered within the Record Management System. Identification Section personnel will then ensure that a copy of the Change of Charge Form is delivered to the appropriate Detention Facility of the Denver Sheriff's Department in a timely manner.
- (3) The warden in charge of the Detention Facility or an authorized representative shall be responsible for the prompt release of a prisoner after all police holds have been cleared. In addition, they shall be responsible for clearing charge(s) from their prisoners' records. They will hold the prisoner if additional charges are pending or release them if there are none.
- (4) Whenever a Change of Charge form is submitted and charges are changed, the following information must appear on DPD 43:
 - a. In addition to Hold for Capias, Warrant, County Court Warrant, General Session Summons and Complaint, etc., the specific charge and the designation of felony or misdemeanor shall be recorded.
 - b. Warrant and/or docket number if known.
 - c. The name of the Court issuing the Capias, Warrants, etc., such as County Court, District Court, Superior Court, or Juvenile Court.
 - d. It is not necessary to specify the statute section number.
- (5) Adding Charges: If additional, unrelated charges are placed against a prisoner already in custody, the investigating officer shall complete Statement of Probable Cause, cont., DPD 287A, outlining the probable cause for the additional charge. This form and a copy of the Change of Charge, DPD 43, must be included with the paperwork delivered to the Detention Center. The other copy of the Change of Charge must be delivered to personnel assigned to the Identification Section, either in person or by fax.

104.06 DELETED 04/2013

104.07 City Ordinance Violations Committed Out of the Officer's Presence or by a Suspect No Longer at the Scene

- (1) The decision to charge or not charge a defendant with a violation of City Ordinance shall be made by the officer at the scene after available evidence has been gathered and evaluated. See OMS 104.50 regarding Domestic Violence Incidents.

- (2) When an officer has probable cause to believe a City Ordinance violation has occurred and the suspect is gone, or when an officer sees an ordinance violation but is unable to capture the suspect, the officer shall make every reasonable effort to determine a suspect's correct identity and/or obtain positive identification before requesting the issuance of an arrest warrant. Information from such sources as witnesses, crime computers, and Identification Section files should be used. Merely locating a name in a computer database that is the same or similar to a suspect's name does not, by itself, provide probable cause to believe that the person in the database is the same person as the suspect. Other corroborating information must also be present to establish probable cause. If a positive identification cannot be made based on the reliable information available, a General Offense (GO) report, DPD 250, should be completed, in lieu of requesting an arrest warrant, to allow detectives to determine the suspect's correct identity. See OMS 104.50(5) for the standards of determining probable cause in Domestic Violence cases.
- a. If the suspect's identity can be determined the officer will complete a GSS&C/Warrant, DPD 236, if the suspect is an adult, or a JS&C/Warrant, DPD 386, for a juvenile suspect, swear to and affirm its contents in the presence of a notary.
 - b. The GSS&C/Warrant, or the JS&C/Warrant, and all related paperwork (Wanted/Missing Person, Affidavit continuation, Domestic Violence Case Summary, Statements, etc.) will be placed in the Routing Envelope, DPD 236A, and forwarded to the Identification Section.
 - c. If an adult suspect is located before the warrant has been forwarded to the Identification Section, the suspect may be ordered in or jailed with the original GSS&C/Warrant form. The initiating officer must note on the GSS&C portion of the form (next to the service information) that the suspect has been 'jailed' or 'ordered in'. The officer must also add the court date and service information and serve the defendant.
 1. If the suspect is to be jailed, the Denver Sheriff Department procedures require that affidavit portion of the form be notarized before they will take custody.
 2. If the suspect is to be ordered in, the GSS&C Warrant Form and related documents should be placed in the Document Pack for Municipal Cases, DPD Form 504 and forwarded to the Records Section. In this case, DO NOT USE THE ROUTING ENVELOPE.
 - d. If a juvenile suspect, or a relative over the age of eighteen, is located before the paperwork is processed, the officer should mark the box "Summons & Complaint", obtain a court date and time from the clearance channel and serve the paperwork. The method of service must be indicated. See OMS 402.07(5)c.
 - e. The Identification Section is responsible for the transportation of GSS&C/Warrants and JS&C/Warrants to and from the Courts. County Court judges shall review and issue these warrants.
 - f. Information on issued warrants will be entered on the CCIC crime computer system.
 - g. The Identification Section will store the signed warrants and related documents.
 - h. Apprehension of suspect and service of warrant:
 1. When an adult suspect is apprehended, and after verification of the warrant
 - a. Those wanted on order-ins must be brought to the Identification Section to be served
 - b. Those who are to be jailed may be transported to the Identification Section for processing or to the closest police facility for FAX warrant verification. See OMS 104.09(3)c.
 2. When a juvenile suspect is apprehended, he/she must be brought to ID for service
 - i. If officers contact a suspect believed to be wanted on a recently requested warrant, but the warrant has not yet been entered on the computer, the NCIC operator should be contacted to verify the existence of the warrant. Depending upon the information received from NCIC, there are three possible courses of action to be followed:
 1. If officers are advised that a judge has signed the warrant and it is awaiting computer entry, the suspect shall be arrested, transported to the Identification Section, and processed using the documents forwarded by the initiating officer.

2. No arrest shall be made pursuant to either a GSS&C/Warrant or a JS&C/Warrant which has been forwarded by the initiating officer but which has not yet been signed by a judge. EXCEPT, an officer may, under narrowly defined circumstances, make an arrest on an unsigned warrant if:
 The named suspect presents an IMMEDIATE DANGER to some person if not arrested AND, The arresting officer can confirm that the completed GSS&C/Warrant or JS&C/Warrant form is being held by Police Department Personnel (Identification Section, District Station, etc.). The paperwork must be retrieved by the arresting officer.
 NOTE: This exception to standard procedure should be used with advised caution and only in cases involving domestic violence or other situations where violence could result.
3. Officers shall not make arrests on GSS&C/Warrants or JS&C/Warrants during that short time period in which the warrants are in the court's possession, awaiting signature by a judge. If the suspect commits a second offense, he/she is, of course, subject to arrest on those charges.
- j. If not executed, all GSS&C/Warrants and JS&C/Warrants will be purged after one year. The DPD 110 will then be returned to the initiating officer.
- (3) If evidence is unavailable to show that a City Ordinance violation has occurred, the officer shall tactfully but firmly explain to the citizen the limits of police involvement allowed by the law.
 - a. If a citizen requesting police action does not accept the officer's decision, the officer will summon a sergeant to the scene to evaluate the situation.
 - b. The officer will note on the Daily Activity Log, DPD 120, the name of the sergeant responding to the scene, relevant data about the call and the supervisor's decision.
 - c. A citizen who continues to demand police action after the sergeant has deemed none to be in order shall be directed to the District Station to discuss the matter with the shift commander.
 - d. In no instance is the citizen to be referred to the City Attorney's Office, the County Court, or to the Information Desk at Headquarters.

104.08 Warrantless Arrests

- (1) Any time a person is arrested and jailed without a warrant, or placed in the Gilliam Youth Services Center, a statement of probable cause for the arrest must be submitted to the court.
- (2) When jailing an adult, complete the "Statement of Probable Cause" which constitutes the bottom half of the General Session Summons and Complaint prior to delivering the prisoner to the Detention Center. If additional space is needed, use Statement of Probable Cause, cont., DPD 287A.
- (3) Juvenile Arrests - Complete the Statement of Probable Cause found on the reverse side of the Juvenile Case Summary. Two (2) copies of the Juvenile Case Summary must accompany the juvenile to the Gilliam Youth Services Center. If additional space is needed, use Statement of Probable Cause, cont., DPD 287A.
- (4) Change of Charge - If additional, unrelated charges are placed against a prisoner already in custody, a Statement of Probable Cause, cont., DPD 287A, must be completed, outlining the probable cause for the additional charge. This form must be included with the paperwork delivered to the Detention Center.
- (5) Traffic Arrests - Any person arrested on a traffic charge without a warrant will be transported to the Traffic Investigations Unit for processing.

104.09 Central Want and Warrant Files (Persons and Property) (Revised 04/2013)

- (1) A central want and warrant file will be maintained in the Identification Section. Information from this file can be obtained only by persons known to be criminal justice personnel.
- (2) The central Wanted Persons and Warrant File functions in this manner:
 - a. A copy of the pickup and a photograph of the wanted person are sent to the Bulletin Editor. Cancellations will be noted on DPD 252/110.
 - b. File checks can be made by name only on pickups without DPD numbers.
 - c. All wanted notices from the Denver Police Department and Denver Courts will be filed in the Wanted File. All such notices will include the signature of the person responsible for the notice and not just the name of the requesting agency.

- d. No Denver Police Department charges will be placed against a prisoner being held in the Detention Facility for any federal law enforcement agency or on a writ of habeas corpus, even though a valid warrant is on file. Instead, the detective or agency initiating the warrant will be notified that the person is being held for a federal law enforcement agency or on a Writ of Habeas Corpus. Identification Section personnel will not initiate a cancellation but will retain the warrant on file until it is canceled by the originating detective or agency.

(3) Processing Persons Wanted on Warrants

- a. No person shall be jailed on any warrant until the warrant is verified by Identification Section personnel.
- b. If the subject has good photo identification, or is known to the officer, the prisoner will be transported to the District Station or Headquarters, whichever is closer.
 - 1. If the subject does not have good photo identification, or is not known to the officer, he/she will be transported directly to the Identification Section for warrant verification.
 - 2. If the person is wanted on a General Session Summons & Complaint/Warrant (a GW case number), and is to be ordered in rather than jailed, he/she must be transported to the Identification Section to be served.
 - 3. If the person is wanted on a JS&C/Warrant, he/she must be transported to the Identification Section to be served.
 - 4. If a person is wanted by this department on a probable cause warrant supported by a Criminal Summons & Complaint, the officer must transport the prisoner to the Identification Section to be served and then jailed.
- c. Processing at a District Station via FAX
 - 1. The arresting officer will FAX a completed FAX Warrant Verification form, DPD 465, to the Identification Section.
 - 2. When Identification Section personnel have verified the warrant, they will FAX a copy of the computer printout and verification stamp to the officer at the District Station. Unless a plain paper FAX is used, the officer will make a photocopy of the FAX printout to be attached to the Warrant Arrest Report, DPD 288.
 - 3. The prisoner may be transported to the Detention Center by Scout Car.
 - 4. When DPD 465 is received by the Identification Section, the warrant will be canceled from CCIC or a "locate" sent to the originating agency. The paperwork (warrant, P.A., teletype, etc.) will be forwarded to the Detention Center when the subject arrives at the jail.
 - 5. If a person is wanted on a GSS&C/Warrant, DPD 236, Identification Section personnel will FAX copies of the front and back of the defendant's copy to the officer, who will serve the prisoner.
 - 6. Any individual in custody wanted on four or more warrants must be transported to the Identification Section for processing.
- d. Identification Section Processing
 - 1. The arresting officer will be given a copy of the computer printout showing the bond amount and the signature of the verifying Identification Section officer.
 - 2. This paperwork and the Warrant Arrest Report, DPD 288, must be given to the Detention Facility elevator operator when the prisoner is placed in his custody.
- e. If warrant and bond verification cannot be determined within the time limits prescribed by NCIC/CCIC rules, and the warrant is the only reason for jailing the party, the party may be released at the officer's discretion. However, if there are additional charges, the party may be jailed on those charges.

(4) Officers having probable cause to stop and question persons about property in their possession are encouraged to ascertain whether the property has been reported stolen.

- a. If a computer inquiry indicates the property has been reported stolen, the item(s) are to be confiscated and placed in the Property Management Bureau as evidence.
- b. PRIOR TO JAILING ANY SUSPECT, OFFICERS WILL NOTIFY A MEMBER OF THE APPROPRIATE DISTRICT INVESTIGATIVE UNIT.
 - 1. During the dedicated staffing hours of the appropriate District Investigative Unit, detectives are available to assist the arresting officers.
 - 2. At other times, the detective or sergeant assigned to the District Investigative Unit can be contacted through the Denver 911 dispatcher.

- c. Officers should consider all available information such as the nature of the offense in the original report, how long ago the report was made, the statements and demeanor of the suspect, the circumstances of the arrest, the type of item and even its value. Possession of a reportedly stolen item should not be the only criterion upon which the decision to jail is based.
 - 1. The date the item was reported stolen is important. If the item is wanted in connection with a case REPORTED TO THE DENVER POLICE DEPARTMENT less than ten days prior to the apprehension of the suspect, a stronger case for jailing the person is made. In those instances where the item was reported to the DPD more than ten (10) days before the arrest, issue a Request to Appear to the suspect to see the assigned detective for the next business day.
 - 2. In those instances where an item has been reported wanted by any law enforcement agency other than the Denver Police Department, officers shall contact the specific outside law enforcement agency for direction. If a representative from the outside law enforcement agency is unavailable, seize the reported stolen items and send the related reports (i.e. Property Invoice, officer statement, suspect information, etc.) to the assigned investigator from the outside law enforcement agency.
 - d. When officers have decided to jail the suspect, the charge will be consistent with that listed on the original report, such as "Investigation Burglary, Case # 123456789". There is no statute to substantiate the charge of "Investigation Illegal Possession of Stolen Property."
 - e. All paper work related to the arrest and/or order-in such as statements, computer printouts, or copies of the General Session Summons and Complaint should be forwarded without delay to the assigned detective.
- (5) Denver County Court Warrant Arrests
- a. Denver County Court Warrants include Failure to Appear bench warrants, Failure to Comply or Contempt of Court Warrants. These warrants are entered onto CCIC and will have a bond amount or list the number of days to be served in jail.
 - b. When an officer receives notification that a subject is wanted on a Denver County Court Warrant, they shall proceed as outlined in 104.09 (3)
- (6) Changing Charges:
- a. Option 1: Deliver in person both copies of the Change of Charge Form, DPD 43, to the Identification Bureau along with any new documents (i.e. Felony PA, PC Statement, etc.) supporting the amended charge(s). Personnel from the Denver Sheriff's Department are responsible for collection of these documents and have scheduled pick-up times to collect the reports.
 - b. Option 2: Fax a copy of the Change of Charge Form DPD 43, to the Identification Bureau along with any new documents (i.e. Felony PA, PC Statement, etc.) supporting the amended charge(s) AND hand deliver the original charging documents to the Records Section of the Detention Center. Personnel assigned to the DPD Identification Bureau will update the prisoner's record and cause the supporting Change of Charge documents to be scanned into the Versadex system under the specific case. Once complete, the DPD Identification Bureau staff will send copies to the Detention Center.
- (7) If an investigator is notified by another jurisdiction that the subject of his/her warrant has been arrested, he/she shall notify the Fugitive Unit immediately. Fugitive Unit personnel will place holds and arrange to have the subject returned to our jurisdiction.

104.10 Arrest Warrants

- (1) Definitions
 - a. AT LARGE Arrest Warrants: Issued by the District Attorney's Office after acceptance for filing of a criminal case with the court. The investigating officer will sign the affidavit at the District Attorney's Office. To obtain an At-Large Warrant, the District Attorney must make a showing that the alleged suspect has fled the State of Colorado, and that the District Attorney is willing to extradite the alleged suspect from the location of arrest. At Large warrants are valid for extradition nationwide.

- b. **PROBABLE CAUSE Arrest Warrants:** An investigative warrant, valid for extradition only in the State of Colorado, used when the filing of criminal charges is pending. The investigating officer who completes an Affidavit and Application for Arrest Warrant, DPD 69, and swears to the information in front of a judge obtains the warrant. Investigators shall use Probable Cause Warrants to arrest individuals suspected of committing State misdemeanors and felonies and in furtherance of an investigation(s).
- c. **GENERAL SESSION SUMMONS & COMPLAINT/WARRANT, DPD 236:** Used for violations of the Denver Revised Municipal Code (D.R.M.C) of the City & County of Denver when the suspect is known and is no longer at the scene of the offense. See OMS 104.07.
- d. **JUVENILE SUMMONS & COMPLAINT/WARRANT, DPD 386:** Used for those violations of the Denver Revised Municipal Code (D.R.M.C) of the City and County of Denver which meet the District Attorney's filing guidelines, when the juvenile suspect is known and is no longer at the scene of the offense. See OMS 104.07 and 402.07.

(2) Warrants Issued by Other City Agencies

- a. A County Court clerk will place warrants issued for failure to appear on General Session charges.
- b. The County Court will handle bench warrants for failure to appear on County Court State Misdemeanor charges.
- c. The Denver Sheriff's Department will handle all Alias Capias warrants issued by the District Court.

(3) Obtaining At-Large and Probable Cause Arrest Warrants

- a. The investigating officer must complete an affidavit that specifies facts sufficient to support the occurrence of an offense and probable cause to support that a particular person committed the offense (Affidavit and Application for Arrest Warrant, DPD 69). The investigating officer shall present the affidavit to a County or District Court Judge for review. If the Judge concurs with the probable cause detailed in the affidavit, the Court shall issue an arrest warrant commanding any peace officer to arrest the person named in the warrant (see C.R.S. 16-3-108).
 - 1. Investigating officers shall obtain Probable Cause Warrants when seeking the arrest of any individual suspected of committing a State felony or County misdemeanor in the City and County of Denver. The investigating officer shall then follow the procedures outlined in OMS 104.10 (4).
 - 2. When the investigating officer obtains Probable Cause Warrants for State felonies, the investigating officer shall discuss the matter of extradition with the District Attorney if the investigation shows the suspect fled the State of Colorado.
 - 3. In instances where the District Attorney will extradite the suspect from another state, the investigating officers shall follow the procedures outlined in OMS 104.10 (3) b.
 - 4. In instances where there is insufficient information or evidence for the District Attorney to make a decision about extradition, the investigating officer shall follow the computer entry procedures outlined in OMS 104.10 (4).
- b. When the investigating officer obtains a Probable Cause Warrant for individuals suspected of committing a State felony and the investigation or information supports that the suspect is no longer in the State of Colorado, the assigned investigating officer shall:
 - 1. Present the case to the District Attorney to determine if filing criminal charges is applicable. If the District Attorney accepts the case for filing, the assigned investigating officer shall request an At-Large Warrant for the arrest of the suspect. The District Attorney will complete the At-Large filing documents and have the assigned investigating officer sign the affidavit. The assigned investigating officer shall submit the completed At-Large Warrant to the NCIC/CCIC operator in accordance with OMS 104.10 (4)
 - 2. If the District Attorney refuses the case for filing of criminal charges and the issuance of an At-Large Warrant, knowing that the suspect is out of the State of Colorado, the assigned investigating officer shall obtain a Probable Cause Warrant in accordance with OMS 104.10 (3) a and the recommendation of the District Attorney. The assigned investigating officer shall include a copy of District Attorney Form DA-122, DA Case Filing Form indicating "Obtain PC Warrant" with the investigative case file.
 - a. District Attorney Form DA-122, DA Case Filing Form is work product of the District Attorney and not available for discovery. As this document is not discoverable, no member of the Denver Police Department shall produce the document to the public as part of an open records request, or to any defense attorney as part of a discovery request.

- b. When a jurisdiction outside the State of Colorado arrests an individual wanted on an At-Large or Probable Cause Warrant, the NCIC/CCIC operator shall immediately notify a supervisor assigned to the unit responsible for obtaining the warrant.
 - 1. For suspects arrested on At-Large Warrants, the assigned investigating officer shall notify the Fugitive Unit to begin the extradition process. The investigating officer shall make written notification through their chain-of-command when requesting travel to the jurisdiction of arrest to interview the arrested suspect.
 - 2. When the out of state jurisdiction holds a suspect on a Probable Cause Warrant only, the supervisor assigned to the unit responsible for obtaining the arrest warrant shall immediately assign an investigator to investigate. The assigned investigating officer shall contact the District Attorney and discuss the information or evidence necessary to obtain an At-Large Warrant for the suspect. If travel is necessary to further the investigation, the investigating officer shall make written notification through their chain-of-command to arrange travel to the jurisdiction of arrest.
 - a. If the District Attorney approves the At-Large filing after discussions with the assigned investigating officer, or after travel to obtain further information, the investigating officer shall notify the jurisdiction of arrest and inform them that an At-Large Warrant is forthcoming. The investigating officer shall then follow the procedures outlined in OMS 104.10 (3) b. 1.
 - b. If the District Attorney refuses the At-Large filing, and unless advised by the District Attorney that probable cause no longer exists, the investigating officer shall keep the Probable Cause Warrant active and notify the arresting jurisdiction that extradition will only occur within the borders of the State of Colorado. The investigating officer shall discuss with the District Attorney what evidence or information is necessary to obtain an At-Large Warrant. The investigating officer shall note the discussion in the supplemental report for the case file.
- (4) After obtaining an At Large or Probable Cause arrest warrant, the assigned investigating officer will:
- a. Forward the following paperwork to the Identification Section for computer entry. This will include:
 - 1. A completed Wanted/Missing Person, DPD 252/110. Before sending this form to the Identification Section, the assigned investigating officer will run a computer check on the named subject, obtaining the last known address, and DPD number if known.
 - 2. One (1) copy of the warrant
 - 3. The appropriate felony or misdemeanor processing form
 - b. Staple one (1) copy of the warrant to General Offense (GO) report, DPD 250, and Supplementary Report.
 - c. When officers make application to any court (e.g. Search Warrants, Arrest Warrants, Rule 41.1, and associated documents such as Search Warrant Envelopes, Sealed Search Warrant Envelopes, Return and Inventory, etc.), officers shall place the Denver Police Department General Offense (GO) number on those documents.
 - 1. If a location for the GO number does not exist on the document, officers shall hand write or type: "Denver Police Department GO#" and note the GO number for the investigation.
- (5) General Provisions for Fugitive Warrant Procedures
- a. Of primary concern in all criminal investigations is the apprehension of suspect(s) named in arrest warrants as soon as possible following the issuance of the arrest warrant. This section shall outline the procedures used to affect the arrest of persons wanted for a criminal offense and the procedures used to document the methods used by the personnel affecting the arrest.
 - b. General Procedures Prior to an Attempt Pick-up
 - 1. Ensure the arrest warrant is active by conducting a test clearance of the wanted subject.
 - 2. Perform an entity check through the Versaterm System seeking information that would render a pick-up unnecessary (e.g. prior unsuccessful pick-up attempt(s), subject moved, bad address, etc.)
 - 3. Prior to attempting an arrest pick-up, officers shall contact Denver 911 and request any information pertaining to the location of the attempt pick-up.

4. Considering 16-3-106, C.R.S., officers shall contact the appropriate jurisdiction when attempting an arrest outside the jurisdictional boundaries of the City and County of Denver. Unless in fresh pursuit of a suspect, an officer not only risks losing potentially valuable evidence, but is also in violation of the law when he or she travels outside the City and County of Denver to arrest a wanted person without the assistance of law enforcement from the appropriate jurisdiction. Absent fresh pursuit, when making an arrest outside of the jurisdictional boundaries of the City and County of Denver, an officer requires both probable cause, and the physical presence and assistance of the outside jurisdiction, to make the arrest.
5. Upon completion of the attempted pick-up, officers shall notify Denver 911 and provide the dispatcher with appropriate call disposition (e.g. success/unsuccessful, suspect no longer resides at the address, bad address, suspect family resides at address, suspect no longer lives there, etc)
6. All officers attempting a pick-up shall complete an entry on the Versadex Street Check system noting the pick-up outcome. Officers shall forward all Information related to any intelligence regarding the subject, the location, or additional information that may assist future arrest attempts, directly to the assigned detective.
7. The assigned detective shall include all information related to the arrest or arrest attempts in their respective investigative case file prior to filing the case with the District Attorney.

c. Felony Warrants

All warrants will be submitted to OSI/NCIC/CCIC/Webmug immediately upon obtaining the warrant. This applies to all procedures below.

1. All violent felony warrants where the assigned detective does not have the means to expeditiously secure the suspect (e.g. imminent voluntary surrender); the assigned detective shall advise their immediate supervisor and coordinate apprehension efforts through the Fugitive Unit.
2. In most cases, the Fugitive Unit will be assigned as the primary investigative unit for fugitive apprehension. Exceptions would be arrests warrants that can be coordinated and executed immediately by those investigators having knowledge of the whereabouts of the individual being sought. However, the Fugitive Unit shall still be notified of the apprehension attempt and disposition.
3. At the same time the arrest warrant is delivered to the Identification Bureau for entry onto NCIC/CCIC, the assigned detective shall hand carry a copy of the arrest warrant to the Fugitive Unit along with work-up packet information (e.g. criminal history, suspect photograph, etc.).
4. During normal business hours, a copy of the arrest warrant must be placed in the warrant box located at the Fugitive Unit Reception Desk.
5. After normal business hours, a copy of the arrest warrant shall be placed in the lock box that is mounted outside the door of the Fugitive Unit. This box is labeled "Fugitive Warrants". When the assigned detective obtains a felony warrant during non-duty hours, and it is in the best interest for the safety of the community to have the fugitive immediately located and arrested, the assigned detective will contact their supervisor who will cause the Fugitive Unit to be notified as stated in c.1. above for the purpose of an immediate apprehension operation.

d. Misdemeanor Warrants

1. In cases where the assigned detective obtains a misdemeanor warrant, the assigned detective shall initiate all reasonable efforts to apprehend the subject prior to the end of the assigned detectives' shift.
2. In those cases where the misdemeanor warrant reaches a more serious level (i.e. domestic abuse cases where victim remains in imminent danger, sexually or biased motivated crimes, victim is a public official, part of pattern offense, etc.), the assigned detective shall advise their immediate supervisor and coordinate apprehension efforts through the Fugitive Unit as outlined above in the Felony Warrant section.
3. When initial arrest attempts prove unsuccessful, and the nature of the offense does not necessitate an immediate response, the assigned detective shall complete a Street Check as outlined in OMS 104.10(5) b. 6.

- e. In any instance where a subject's arrest or warrant cancellation occurs with respect to a Denver Police Department warrant, the Identification Bureau personnel shall notify the appropriate investigative bureau personnel.
 - 1. Upon the arrest of a wanted subject, or when the cancellation of a warrant occurs, the Identification Bureau personnel shall forward a copy of DPD Form 252/110 – Wanted/Missing Person, to the responsible investigative unit and the assigned detective.
 - 2. The assigned detective shall document the arrest or cancellation information in the appropriate case file supplemental report.

104.11 Searches and Seizures

- (1) Amendment IV of the Bill of Rights in the Constitution of the United States is as follows:
Searches and Seizures: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall be issued, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.
- (2) In any search and seizure pursuant to a search warrant, the Constitution prescribes the following requirements: (a) the premises to be searched (b) particularly described, and (c) the affiant swear or affirm that they have probable cause to believe the specific property is on the premises and give the reasons for this belief. For definitional purposes, a search warrant is an order in writing; in the name of the state, signed by an authorized judicial officer, directing a peace officer to search for, and seize, the property listed on the premises named. **Refer to OMS 104.54 for the policy and procedures for obtaining immediate entry warrants.**
 - a. All search warrants and affidavits for search warrants must be read and approved by the affiant's supervisor prior to presentation to a prosecutor or judge. The reviewing supervisor shall print their name, badge number, date and sign their name at the end of the affidavit to indicate their review. (See 104.11(8)a. for emergency situations.)
- (3) Search warrants - issuance - grounds
 - a. A search warrant authorized by this section may be issued by any judge of a court of record.
 - b. A search warrant may be issued under this section to search for and seize any property:
 - 1. Which is stolen or embezzled; or
 - 2. Which is designed or intended for use as a means of committing a criminal offense;
 - 3. Which is or has been used as a means of committing a criminal offense in this state or in another state; or
 - 4. The possession of which is illegal; or
 - 5. Which would be material evidence in a subsequent criminal prosecution in this state or in another state; or
 - 6. The seizure of which is expressly required, authorized, or permitted by any statute of this state; or
 - 7. Which is kept, stored, maintained, transported, sold, dispensed, or possessed in violation of a statute of this state, under the circumstances involving a serious threat to public safety or order, or to public health. C.R.S. §16-2-201
- (4) Search warrants – application
When officers make application to any court (e.g. Search Warrants, Arrest Warrants, Rule 41.1, and associated documents such as Search Warrant Envelopes, Sealed Search Warrant Envelopes, Return and Inventory, etc.), officers shall place the Denver Police Department General Offense (GO) number on those documents.
 - a. If an existing location for the GO number does not exist on the document, officers shall hand write or type: "Denver Police Department GO#" and note the GO number for the investigation.
 - b. A search warrant shall be issued only on affidavit sworn to or affirmed before the judge and relating facts sufficient to:
 - 1. Identify or describe, as nearly as may be, the premises, person, place, or thing to be searched;
 - 2. Identify or describe, as nearly as may be, the property to be searched for, seized, or inspected;

3. Establish the grounds for issuance of the warrant, or probable cause to believe that such grounds exist; and
 4. Establish probable cause to believe that the property to be searched for, seized, or inspected is located at, in, or upon the premises, person, place, or thing to be searched.
- c. The affidavit required by this section may include sworn testimony reduced to writing and signed under oath by the witness giving the testimony before issuance of the warrant. A copy of the affidavit and a copy of the transcript of testimony taken in support of the request for a search warrant shall be attached to the search warrant filed with the court.
 - d. Procedures governing application for and issuance of search warrants consistent with this section may be established by rule of the Supreme Court. C.R.S. §16-3-303

(5) Search warrants - contents

- a. If the judge is satisfied that grounds for the application exist, or that there is probable cause to believe that such grounds exist, they shall issue a search warrant, which shall:
 1. Identify or describe, as nearly as may be, the premises, person, place, or thing to be searched.
 2. Identify or describe, as nearly as may be, the property to be searched for, seized, or inspected;
 3. State the grounds or probable cause for its issuance; and
 4. State the names of the persons whose affidavits or testimony have been taken in support thereof.
- b. The search warrant may also contain such other and further orders as the judge deems necessary to comply with the provisions of a statute, charter, or ordinance, or to provide for the custody or delivery to the proper officer of any property seized under the warrant, or otherwise to accomplish the purposes of the warrant.
- c. Unless the court otherwise directs, every search warrant authorizes the officer executing the same:
- d. To execute and serve the warrant at any time; and
 1. To use and employ such force as is reasonably necessary in the performance of the duties commanded by the warrant. C.R.S. §16-3-304

(6) Search warrants - direction - execution and return

- a. Except as otherwise provided in this section, a search warrant shall be directed to any officer authorized by law to execute it in the county wherein the property is located.
- b. A search warrant issued by a judge of a municipal court shall be directed to any officer authorized by law to execute it in the municipality wherein the property is located.
- c. Any judge issuing a search warrant, on the grounds stated in C.R.S. §16-3-301, for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported may make an order authorizing a peace officer to be named in the warrant to execute the same, and the person named in such order may execute the warrant anywhere in the state. All sheriffs, coroners, police officers, and officers of the Colorado State Patrol, when required, in their respective counties, shall aid and assist in the execution of such warrant. The order authorized by this subsection (c) may also authorize execution of the warrant by any officer authorized by law to execute it in the county wherein the property is located.
- d. When any officer, having a warrant for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported is in pursuit thereof and the person, motor vehicle, aircraft, or other object crosses or enters into another county, such officer is authorized to execute the warrant in the other county.
- e. It is the duty of all peace officers into whose hands any search warrant comes to execute the same, in their respective counties or municipalities, and make due return thereof. Procedures consistent with this section for the execution and return of search warrants may be provided by rule of the Supreme Court.
- f. A search warrant shall be executed within fourteen days after its date. C.R.S. §16-3-305(6) unless it is an immediate entry search warrant, then the provisions of the *Narcotics Investigations and Immediate Entry Search Warrant Procedures (OMS 104.54)* shall apply.
- g. The senior Denver Police officer present when a search warrant is executed on any city property, or at property involving any city official or city employee, shall immediately notify his/her supervisor, who shall forthwith notify the Commander of the involved Bureau.

- h. When Denver Police Officers execute a search warrant outside the City and County of Denver, the Denver Police Officer(s) executing the search warrant shall contact the respective law enforcement agency of that county or municipality where the search warrant execution will occur.
 - 1. Prior to the execution of the search warrant, the Denver Police Officer(s) shall request the presence of the respective law enforcement agency, of that county or municipality, at the location of execution.
 - 2. When impractical; when no officer from the respective law enforcement agency of that county or municipality is available, the Denver Police Officer(s) shall obtain specific authorization from a Denver Police Department command officer prior to the execution of the search warrant.
 - 3. When notification of the respective law enforcement agency of the county or municipality where the search warrant is to be executed will impact the integrity of the investigation, the Denver Police Officer(s) shall obtain specific authorization from a Denver Police Department command officer prior to the execution of the search warrant.
 - 4. Exceptions to this directive include those outlined in Colorado Revised Statutes 16-3-305 (3) and (4).
 - a. 16-3-305 (3) allows execution of a search warrant for objects that are mobile or capable of being transported in the county where the property is located.
 - b. 16-3-305 (4) allows execution of a search warrant for objects that are mobile or capable of being transported in fresh pursuit situations, even in other counties.
 - 5. Exceptions notwithstanding, Denver Police Officers shall notify the respective law enforcement agency of the county or municipality, where the search warrant shall be executed, of their intent to execute a search warrant in that county of municipality unless such notification will impact the integrity of the investigation.
- (7) Probable Cause
 - a. The investigator must present facts and information of the specific case sufficient to satisfy the issuing judge that grounds for the application for the warrant exist.
 - b. Probable cause to support the issuance of a search warrant must exist at the time the warrant is sought.
 - c. The affiant must state the reasons for the belief that contraband is in a particular building, avoiding conclusions, and the judge must find that there is probable cause for this belief.
 - d. cause exists, if the facts and circumstances known to the warrant a prudent person in believing that the offense has been committed.
 - e. When application is made for a search warrant, all investigators shall be required to keep detailed notes showing grounds for issuance and probable cause.
 - f. The officer may rely upon information received through an informant, rather than upon direct observations, to show probable cause.
 - 1. The informant's statement or information must be reasonable, corroborated by other matters within the officer's knowledge.
 - 2. When information is received from a reliable informer, the affidavit should state that the informant is a person whose information in the past has proven to be reliable. Also, state the area in which they have given the information and the number of times they have done so. The former reliability of the informant is reasonable corroboration on the part of the officer.
 - 3. If the informant is a new informant and not one with whom the officer has dealt with in the past, the mere fact that they inform is not sufficient probable cause. The information must be corroborated by some independent investigation or knowledge on the part of the officer.
 - 4. When a new informant supplies information, the officer must corroborate this information and state these facts in the affidavit.
- (8) Affidavit for Search Warrant – DPD 370
 - a. The affiant's supervisor and the District Attorney's Office must review and approve, in person or by telephone, all affidavits for search warrants before presentation to a judge. If an emergency arises which precludes District Attorney review, the Affiant must obtain the approval of a sergeant.]
 - b. Affidavit for Search Warrant is a single copy form. If the space provided on DPD 370 is insufficient to document the grounds for issuance of a warrant, DPD 370C-1, Affidavit, Continued, may be used.

- c. After preparing the original copy, the Affiant will make a photocopy of the form. The Affiant will present both the original and the photocopy to the judge for signature.
- d. Prepare additional photocopies of the affidavit as needed. The Affiant shall ensure the primary investigator assigned the original investigation of the offense receives a copy of the Search Warrant Affidavit, DPD 370, the Search Warrant, DPD 371, and the Return and Inventory, DPD 373, at the conclusion of the search warrant execution.
- e. Occasionally, information related to a particular investigation is vital in nature. In such critical and sensitive cases, the officer can request to seal the search warrant and affidavit. When requesting a Sealed Search Warrant and Affidavit, the Affiant will include a paragraph detailing the need for sealing the warrant and affidavit in the body of the affidavit. The District Attorney and Judge must concur with the reasons for sealing the warrant.

(9) Search Warrant – DPD 371

- a. The Search Warrant is a single copy form. After preparing the original copy, the Affiant will make a photocopy of the Search Warrant. The Affiant will present both the original and the photocopy to the judge for signature. The Affiant will provide the judge with a regular size envelope.
- b. The judge, after signing the Affidavit and Search Warrant, shall place one copy of the Affidavit, DPD 370, and the Search Warrant, DPD 371, in the envelope provided by the Affiant. The judge shall seal the envelope and place his/her initials or signature across the sealed flap. The judge will then give the envelope and the other signed copies of the Affidavit and Search Warrant to the Affiant for execution. When obtaining a sealed warrant and affidavit, the Affiant will provide the judge with an envelope for a Sealed Search Warrant and Affidavit, DPD 692. The judge and the Affiant will sign and complete the face of the envelope. The Affiant will place the sealed warrant and affidavit into the envelope. The judge shall seal the envelope and place his/her initials or signature across the sealed flap. The Affiant will keep the envelope for return to the Court with the completed Return and Inventory, DPD 373, as outlined in (10)c1 below.
- c. With the exception of the procedure for sealed warrants outlined in (9)b, the Affiant shall forward the sealed envelope containing the original of the Affidavit and Warrant to the County Court Administrative Office, Room #108, City and County Building.
- d. The Affiant shall make additional photocopies of the search warrant as needed. Leave one photocopy of the search warrant with the person, premises, vehicle, or business searched. **Never** leave a copy of the affidavit.
- e. The Affiant shall make prompt return on all search warrants, whether or not there was a seizure of property. If property seizure occurs, the Affiant/executing officer will make a written inventory of the property. When there is no property seizure, the Affiant/executing officer will make a notation to that effect on the Return and Inventory.
- f. Rule 41 of the Colorado Rules of Criminal Procedure provides that the execution of all search warrants must occur within fourteen (14) days of its issuance.

(10) Return and Inventory – DPD 373

- a. The Return and Inventory form is a two-part form.
 - 1. The Affiant will send the original to the County Court Administrative Office, Room #108, City and County Building, after making additional photocopies for the Property Management Bureau and for any case filings.
 - 2. The Affiant/executing officer will provide the second copy to the person from whom, or from whose premises or vehicle the property seizure occurred, along with a copy of the search warrant.
- b. The Affiant/executing officer will accurately describe the property seized on the Return and Inventory form, DPD 373.
- c. After the execution of the search warrant, the Affiant will send the original of the Return and Inventory, together with copies of the Affidavit and the Search Warrant, in a sealed envelope and send them to the County Court Administrative Office, Room #108, City and County Building.

1. After the execution of a sealed search warrant, the Affiant will place the original of the Return and Inventory, together with copies of the Affidavit and the Search Warrant, in a second Sealed Search Warrant and Affidavit, DPD 692. The Affiant will present the second envelope to the judge issuing the original search warrant. The judge and the Affiant will sign and complete the face of the envelope. The Affiant will place the sealed warrant, affidavit, and return and inventory into the envelope. The judge shall seal the envelope and place his/her initials or signature across the sealed flap. The Affiant will place both sealed envelopes, DPD 692, together and send them to the County Court Administrative Office, Room #108, City and County Building.
 - d. When placing seized items in the Property Management Bureau, the Affiant/executing officer will complete only the top part of the Property Invoice and Receipt, DPD 122, and attach a photocopy of the Return and Inventory.
- (11) Waiver to Search – DPD 372
- a. The validity of a consent to search, whether it is made orally or in writing, will be based on the elements outlined in C.R.S. §16-3-310.
 - b. In oral or written consents to search, the credibility of the parties to the consent may become an issue in court during the trial, or on any motion for suppression of evidence. All officers should make a particular effort to have more than one witness, either another officer or citizen, present at the time of the oral or written consent to search, the signing of the waiver, or at the time of the actual search.
 - c. Any articles seized shall be itemized on the bottom portion of the Consent to Search, DPD 372. One copy of the Consent to Search Form will be provided to the person granting consent to search. All items confiscated during the search shall be booked into the Property Management Bureau.
- (12) Summary of Searches and Seizures
- a. secure a search warrant unless there is an emergency which calls for immediate action.
 - b. If you do not have time to secure a search warrant, and feel that it is necessary to search a person or a place immediately, note the following carefully:
 - c. To Search a Person - If you have a warrant of arrest or grounds to make an arrest without warrant, you may:
 1. Search the person at the time of the arrest
 2. Seize articles which they attempt to conceal
 3. Seize articles which they have on their person.
 - d. If you have a warrant of arrest or grounds to make arrest without warrant, you must not:
 1. Search the person before arresting them
 2. Search first and then arrest the suspect because of what the search reveals
 - e. If you do not have a warrant of arrest and no probable cause to arrest with a warrant, you may not conduct a search of a person without their consent.
 - f. To Search Premises. If you have a warrant of arrest or grounds to make an arrest without a warrant, you may:
 1. Make a reasonable search of the area where the person is arrested, provided the search is made at the time of the arrest and provided the search is confined to the immediate vicinity under their control, which means within their reach, lunge or grasp.
 2. Seize any object which the suspect attempts to conceal.
 3. Seize other articles suggestive of other criminal activities uncovered in your search, even though they do not relate to the offense for which the suspect is being arrested.
 4. Make a search of the area if the suspect gives consent and has proprietary rights to do so.
 - g. If you have a warrant of arrest or grounds to make an arrest without a warrant, you must not:
 1. Rummage about on the premises, looking for whatever may be turned up, regardless of its connection with the offense for which the arrest is made.
 2. Attempt to search premises belonging to the suspect, or to which they have a right of possession or control other than the immediate vicinity where they are arrested.

- h. If you do not have a warrant for arrest or grounds to make an arrest, and if an arrest is not made, you may search the premises if you have probable cause that supports exigent or emergent (threat to life or limb) circumstances.
- i. If you do not have a warrant for arrest and do not have grounds to make an arrest, and if an arrest is not made, you must not:
 - 1. Make such a search if you have an opportunity to secure a search warrant before making the search, even though probable cause exists.
 - 2. Make such a search if you have only a suspicion that the felonious activity is present.
- j. If you have secured a search warrant, you should be sure that:
 - 1. The search is made only at the times provided for in the warrant.
 - 2. Only the premises described in the warrant are searched.
 - 3. The search is conducted in strict compliance with the warrant.
 - 4. Only the articles described in the warrant are seized, unless contraband items are discovered and that an inventory of the articles seized is prepared at the location of the search and signed by the officers executing the warrant and witnessed, and a copy left with the owner or left at the place of the search.

104.12 Warrantless Searches of Automobiles

- (1) When an officer makes a full custody arrest, or the person is taken into custody for investigation, and there is a valid basis for impounding the car, the officer shall follow the procedure for impounding vehicles in this OMS 206.04(4). Any fruits of a crime or contraband found in this inventory search is admissible as evidence. The vehicle may be towed to police headquarters, or a district station to be inventoried, and must be inventoried as soon as possible.
- (2) Whenever possible, an officer shall open a locked trunk or glove compartment by means of a key rather than by force. If keys are not available, instructions shall be obtained from a supervisor as to the method to be used in opening the locked trunk or glove compartment.
- (3) Immediately after arresting or stopping a motorist, officers are authorized to conduct a warrantless search of the vehicle only when:
 - a. The arrestee is unsecured and within reaching distance of the passenger compartment at the time of the arrest; or
 - b. is reasonable to believe that evidence relevant to the crime for which the person was arrested might be found in the vehicle; unless
 - c. One of the other exceptions to the Fourth Amendment's warrant requirement is applicable
- (4) If the officer cannot search the vehicle immediately after the arrest, and feels that there is evidence in the vehicle, or has information that a vehicle contains evidence, they should obtain a warrant. An arrest of a party for driving without a license is not a valid basis for impounding a vehicle.
- (5) If the driver, when asked, willingly opens the trunk, or allows the vehicle to be searched, any evidence found is lawful. The validity of a consent to search, whether it is made orally or in writing, will be based on the elements outlined in C.R.S. §16-3-310

104.13 Plain View Doctrine

- (1) In order to seize property as evidence in plain view you must fulfill the following three conditions.
 - a. The officer must be legally in a place from which the object could be plainly viewed.
 - b. The object's incriminating character must be immediately apparent.
 - c. The officer must have a lawful right of access to the object itself.

104.14 Assisting Peace Officer

- (1) A peace officer making an arrest may command the assistance of any person who is in the vicinity.
- (2) A person commanded to assist a peace officer has the same authority to arrest as the officer who commands this assistance.
- (3) A person commanded to assist a peace officer in making an arrest shall not be civilly or criminally liable for any reasonable conduct in aid of the officer or for any acts expressly directed by the officer.

- (4) Private citizens, acting in good faith, shall be immune from any civil liability for reporting to any police officer or law enforcement authority the commission or suspected commission of any crime or for giving other information to aid in the prevention of any crime. C.R.S. §16-3-202 (2012).

104.15 Right to Communicate with Attorney and Family

- (1) Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or by communicating in any other reasonable manner. Such communication shall be permitted at the earliest possible time after arrival at the police station, sheriff's office, detention center, or other like confinement facility to which such person is first taken after arrest.
- (2) If the accused is transferred to a new place of custody, their right to communicate with an attorney and a member of their family is renewed.
- (3) public defender, upon his request and with due regard for reasonable law enforcement administrative procedures, shall be permitted to determine whether or not any person in custody has been taken without unnecessary delay before the nearest available county or district judge. C.R.S. §16-3-402 (2012)

104.16 Duty of Officers to Admit Attorney

- (1) All peace officers or persons having in custody any person committed, imprisoned, or arrested for any alleged cause shall forthwith admit any attorney-at-law in this state, upon the demand of the prisoner or of a friend, relative, spouse, or attorney of the prisoner, to see and consult the person so imprisoned, alone and in private, at the jail or other place of custody, if such person so imprisoned expressly consents to see or to consult with the attorney.
- (2) Any peace officer or person violating the duty imposed by this section or section 16-3-403 shall forfeit and pay not less than one hundred dollars nor more than one thousand dollars to the person imprisoned or to his attorney for the benefit of the person imprisoned, to be recovered in any court of competent jurisdiction. C.R.S. §16-3-404 (2012)

104.17 Treatment While In Custody

- (1) No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person in custody.
- (2) Persons arrested or in custody shall be treated humanely and provided with adequate food, shelter, and, if required, medical treatment. C.R.S. §16-3-401

104.18 Processing Pickups or Cancellations for Wanted Persons and/or Property

- (1) Officers shall use Wanted/Missing Person, DPD 252/110, and NCIC/DCIC Information, DPD 252/110, when placing pickups on a person or vehicle.
 - a. No "pickup" may be placed on a person without a warrant, unless that person is reported missing or runaway.
 - b. Officers completing the forms will route them directly to the Identification Section.
 - c. When the wanted notice has been entered on the computers, the DPD 252/110 will be returned to the issuing officer or agency. This form will be retained until the party is arrested, located or the case disposed of, or the vehicle is located or no longer wanted.
- (2) To enter, modify or cancel an item/property with a serial number, engraving, owner applied number or unique description in NCIC/DCIC, an electronic 252B (Stolen/Recovered Guns/Articles/Securities), shall be used. The electronic 252B is within the V-Mail module of the department's Record Management System (Versadex).
 - a. In Versadex, go to V-Mail module and select the NEW option.
 - b. Select Mail Template and choose the appropriate category – Articles, Bicycles, Guns or Security.
 - c. Fill in template with identifying information.
 - d. Send the form to the HPAWN Handle and mark a copy for your records
 - e. Personnel in the Records Bureau will receive and process the request by entering the data on NCIC/DCIC.

If an officer does not have access to the electronic version of the 252B form, a paper version of this form can be completed and sent via Inter-Departmental mail to the Records Bureau – attention Pawn Shop Records.

- (3) Officers calling in to place a pickup or cancellation on a juvenile or missing person will call the bureau concerned during its hours of operation.
- (4) When submitting pickups to the Identification Section on DPD 252/110, or to the Records Bureau on DPD 252B, include any known numbers which are unique to the person, item or vehicle, i.e., DPD number, FBI number, Social Security number, driver's license number, military serial number, vehicle identification number, or serial number.
- (5) When personnel from outside jurisdictions call by telephone and want pickups made of subjects who are thought to be in our jurisdiction, the demanding state or local county shall be informed that the telephone call must be immediately confirmed by telegram, LETS message or a letter with a certified copy of their warrant. A specific individual must be named who is placing the pickup and not merely the agency. Calls should be made to the Fugitive Unit during normal business hours and the Detective Bureau during non-business hours (nights or on weekends).
- (6) Responsibility for Initiating Cancellations
 - a. The arresting officer is responsible for canceling the pickup on a subject brought to the Identification Section prior to being jailed or being served an order in. If the party is ordered in, this should be indicated on DPD 252/110 when the pickup is canceled.
 - b. When a warrant is canceled by the FAX procedure described in OMS 104.09(3), Identification Section personnel will cancel the DPD 252/110 and sign the original warrant per the arresting officer.
 - c. The Missing and Exploited Persons Unit will be responsible for initiating the cancellation upon the location or apprehension of the missing person or runaway.
 - d. The initiating officer is responsible for canceling a pickup in cases when the suspect is not arrested or is no longer wanted, or the vehicle/property is recovered or no longer wanted.
 - e. Cancellations shall be made immediately upon determining that the person, property, or vehicle is no longer wanted.
- (7) Cancellation of Pickups
 - a. A pickup can be canceled and removed from the computers only after an officer cancels the DPD 252/110.
 - b. If a wanted party is located without being arrested, the case is disposed of, or the vehicle is located or no longer wanted, the issuing officer must respond to the Identification Section and cancel the DPD 252/110 in order that the information may be cleared from the computers.
 - c. When a wanted item is placed in the Property Management Bureau or located in a pawnshop, personnel in the Records Bureau will notify the assigned detectives. The detective initiating the pickup on property items is responsible for canceling it when the items are recovered or no longer wanted.
 - d. Upon identifying a person arrested as being the subject of a wanted notice, the arresting officer will cancel the pickup and the Identification Section personnel will make notification to the issuing officer.
 - e. The person completing the cancellation will write his/her name, serial number and agency requesting the cancellation on the line designated "Canceled By".
- (8) The Identification Bureau will maintain a purge of the Central Want and Warrant File. Old or outdated pickups will be returned to the issuing officer for updating. A stamp marked "Cancel or Still Wanted" will be used for this purpose. The issuing officer will return the pickup to the Identification Section after indicating that the pickup is to be canceled or retained.
- (9) It is the responsibility of the Identification Bureau to notify the appropriate investigative bureau when a suspect listed on a warrant is cancelled or the suspect is arrested. This will be done by forwarding a copy of the DPD 252/110 cancellation form to the issuing detective's investigative assignment.

104.19 Writ of Habeas Corpus

- (1) Generally, Writs of Habeas Corpus are issued by the court to obtain the presence in court of a person - as a witness or a defendant - when the person is incarcerated somewhere other than Denver, or in Denver with a non-Denver hold. The writ is normally issued on motion of the District Attorney.

- (2) Writs of Habeas Corpus are executed by the sheriff's office.

104.20 Use of DPD 366, Statement

- (1) When investigation arrests and other arrests are made that could result in a case being filed in court, the arresting officer shall complete a Statement, DPD 366.
- (2) All remarks or responses to interrogation made by the suspect shall be recorded in complete detail.
- (3) Remarks to individual officers shall be the subject of separate reports.
- (4) Besides the above information, the arresting officer shall detail all phases of the arrest that could be related as evidence during a trial.
- (5) The Statement form shall be completed accurately and typed or printed legibly.

104.21 Use of DPD 368, List of Witnesses

When investigation arrests and other arrests are made that could result in a case being filed, the arresting officers, or the detective filing the case, shall complete List of Witnesses, DPD 368.

104.22 Use of the Advisement, DPD 369

- (1) When investigation arrests or any other arrests are made, the arresting officer shall advise the arrested persons of their rights as stated on the Advisement, DPD 369, and shall, in their own handwriting, complete the Advisement, DPD 369. Whenever arrests are made and any amount of interrogation is conducted, the Advisement, DPD 369, shall be used.
- (2) The advisement of rights must be made prior to any questioning of the arrested person.
- (3) If the arrested person refuses to sign, the arresting officer shall write the word "refused" in the signature of suspect space.
- (4) It is desirable, but not absolutely essential that the advisement be witnessed.
- (5) The completed form shall be immediately supplied to the responsible investigative unit.
- (6) When a Spanish-speaking suspect has been taken into custody and the suspect does not either speak or understand English, the advisement and questions shall be read verbatim in Spanish. The Spanish version should be read by an officer who is fluent in Spanish.

104.23 General Session Order-Ins to Court

- (1) When an arrest is made for a City Ordinance violation other than traffic and the situation does not merit jailing the violator, the officer may order the violator directly into court to answer to the charges. This will be done by completing the General Session Summons and Complaint and checking the box labeled "Order In" along with the appropriate charges. See OMS 104.03 for complete instructions for preparing the General Session Summons and Complaint.
- (2) All the facts necessary to prove the charges in court must be included on the back of the City Attorney and Police Department copies of the General Session Summons and Complaint. Often, defendants plead guilty to the charges at the arraignment and the Court uses the officer's notes to impose the appropriate sentencing.
- (3) The officer must positively identify the person arrested and include the complete residence and business addresses.
- (4) After serving the defendant's copy, all remaining copies of the General Session Summons and Complaint will be forwarded to the Records Section via inter-departmental mail.

104.24 Order-In to Investigative Units

- (1) DPD 75, Request to Appear, is used for all order-ins to investigative units.
- (2) The order-in will specify the location and time of the order-in and the nature and location of the offense.
- (3) Order-ins shall be made for 9:30 a.m. the next working day unless otherwise specified by the assigned detective.

- (4) After the form is signed, one (1) copy of the Request to Appear will be served to the person ordered-in. The remaining copies and additional details of the offense are to be forwarded to the bureau or unit concerned with the offense.
The paperwork must reach the proper investigative unit prior to the appearance of the person ordered in.
- (5) Juvenile Order-Ins - See OMS 402.02 and 407.01

104.25 Using the Criminal Summons and Complaint for Misdemeanor Arrests

- (1) The Criminal Summons and Complaint, also known as the State Form or the CS&C, may be used by officers to initiate a criminal proceeding in which the defendant is charged with a misdemeanor violation of the Colorado Revised Statutes (C.R.S.). The CS&C is not used to cite City Ordinance violations or to initiate any felony proceedings.
- (2) The defendant may be ordered to appear in court to answer the charges.
 - a. Officers shall complete the reverse side of the CS&C marked "District Attorney's Copy" outlining the details of the arrest. Officers shall ensure that they obtain the defendant's right index fingerprint, which is to be affixed in the designated box in the upper right corner of the front page of the CS&C.
 - b. When the defendant is ordered in, officers shall serve the Defendant's Copy of the CS&C.
 - c. All remaining copies of the CS&C will be placed in an envelope addressed to Room 111, City and County Building. This envelope is to be put into the District Station or Bureau ticket box before the officer goes off duty that shift.
- (3) The defendant may be jailed on the charges detailed in the CS&C.
 - a. When the defendant is jailed, the officer shall serve the Defendant's copy of the CS&C. All remaining copies of the CS&C shall be given to the Deputy Sheriff at the time the prisoner is placed on the elevator at the Detention Facility.
 - b. If the defendant was arrested without a warrant a Statement of Probable Cause, cont., DPD 287A must be completed and attached to the CS&C when given to the Deputy Sheriff at the Detention Facility.
- (4) Officers shall make sure all copies are legible.

104.26 Arrest of Postal Employees or Persons Operating Trains or Transit Buses

- (1) Officers shall not take into custody for a minor violation, a postal employee engaged in the collection or distribution of mail, or a person operating a train or transit bus. Instead, the offender shall be summoned to appear in County Court or ordered to report to a commanding officer for further investigation of the case.
- (2) Persons operating a train, transit bus, or postal vehicle when suspected or accused of a felony or serious misdemeanor, may be taken into custody, but the arresting officer shall accompany the prisoner to the depot, car barn, or post office in order that the prisoner may be relieved from duty before being incarcerated. When the physical or mental condition of the accused renders this procedure impractical, the prisoner shall be taken into custody as soon as a police guard can be provided for the vehicle they were operating. See OMS 204.10(2) and 205.01.

104.27 Arrest for Taxi Violations

Persons shall not be jailed for failure to pay a cab fare, D.R.M.C. 55-24(b), when that is the only charge against them. Instead, a General Session Summons and Complaint Order-In shall be issued and signed by both the officer and the cab driver. Where other violations are involved, the person may be jailed if deemed necessary.

104.28 Arrests and Procedure on Federal Property and Relations with other Agencies

- (1) Members of the Denver Police Department do not have any legal authority to investigate or prosecute crimes on or in any dedicated federal property. In Denver this includes:
 - a. United States Mint
 - b. New Customs House
 - c. Byron White Court House (18th & Stout)
 - d. Fort Logan National Cemetery

- e. The Veteran's Administration Hospital at 1055 Clermont Street upon request of officials in charge of these buildings, we will assist in any manner possible
- (2) Members of the department do have legal authority to enforce state laws and municipal ordinances on non-dedicated federal property, which includes the new Federal Building (19th-20th, Champa to Stout), Federal Reserve Bank, Post Office Terminal Annex, and the additions to the U.S. Mint, and the Veteran's Affairs Administration located at 820 Clermont Street. Enforcement will be upon request and signed complaint of the federal employee in charge.
- (3) Denver Police have full policing authority for the Veterans Administration properties at 820 Clermont Street.
 - a. In the event the Denver Police Department has warrants to be executed on a VA controlled premise, the Denver Police Department will notify the VA Police prior to or upon entering Veterans Administration Hospital property if circumstances permit.
 - b. In the event it is necessary to search for missing patients who by virtue of their physical or mental condition are dangerous to themselves or others, the Denver Police Department will assist the VA in attempting to locate and return the at-risk patient.
- (4) The federal property in the three-block complex, 18th to 20th, Stout to Champa Streets, and 19th to 20th, California to Stout Streets, starts 16 feet from the curb line in all blocks, except 19th to 20th on Champa Street where the federal property begins 15 feet from the curb line on Champa Street.
- (5) The Denver Military Police have been assigned by the Department of Defense, the responsibility for armed forces police services in Denver. The purpose for this area responsibility assignment is so that we will have only one, rather than five military type police agencies to contact for support and assistance when dealing with all military offenders.
- (6) When the Denver Police Department arrests or apprehends any member of the active armed forces for a felony, AWOL, or any other serious charge, the military police are required to render a military report of the investigation of the incident to the appropriate service commander of the offender and return them to military control when released by our jurisdiction.
 - a. When personnel of the Major Crimes, Investigative Support or Special Operations Divisions arrest or apprehend any active member of the Armed Forces for a serious offense, it shall be mandatory that the Denver Military Police Station be notified as soon as possible.
- (7) Cooperation - Other Public Agencies - Officers shall cooperate with all law enforcement agencies, other city departments, and public service organizations, and shall give aid and information to such organization, consistent with departmental orders.

104.29 Arrests for Weapons Related Charges

- (1) When a person is arrested for carrying a KNIFE as a concealed weapon, which is defined in D.R.M.C. 38-117(a), or for carrying a KNIFE which is prohibited in D.R.M.C. 38-119:
 - a. Charge the person directly with the violation of the appropriate Denver Revised Municipal Code (D.R.M.C) violation and then jail, or order the subject into court. Evidence should be handled according to the procedures in OMS 106.03
- (2) When an adult or juvenile is arrested for carrying a FIREARM or for carrying a DANGEROUS WEAPON or ILLEGAL WEAPON as defined in C.R.S. §18-12-102, and has been convicted of a felony and no other offense will be charged, the officer will notify the Gang Bureau. In the absence of a Gang Bureau officer or detective, the on-call Gang Bureau detective may be contacted for the purpose of determining charges to be placed. See OMS 104.01(24) and 109.02(2).
 - a. The person's record will be checked to determine if the criteria are met for violation of C.R.S. §18-12-108, Possession of Weapons by Previous Offenders. If the person is in violation of the State and/or Federal Statute, the officer will:
 - 1. Make a General Occurrence (GO) report, titled "Possession of a Weapon by a Previous Offender" and jail for investigation of the same.
 - 2. Route all reports to the Gang Bureau with a "Notify" to the Robbery Unit.
 - 3. The Gang Bureau supervisor will determine if federal charges apply and if so, will then forward the case to the Bureau of Alcohol, Tobacco, Firearms and Explosives for review.
 - 4. If determined that a federal weapons violation has not occurred and no other federal or state charges apply, the Gang Bureau supervisor will ensure that appropriate city charges be placed against the defendant.

- b. If the elements fit the criteria for violation of Possession of Weapons by Previous Offender, C.R.S. §18-12-108, Possessing a Dangerous or Illegal Weapon, C.R.S. §18-12-102 or Possession of a Defaced Firearm, C.R.S. §18-12-103 and other charges exist, to include but not limited to; homicide, aggravated robbery, aggravated assault, sexual assault, Possession of a Controlled Substance, burglary and auto theft, the officer will:
 1. Contact the on duty or on-call supervisor of the appropriate investigative unit.
 2. The affected investigative unit supervisor will ensure that the appropriate weapons charge is filed in conjunction with the primary offense. A copy of the case should be forwarded to the Gang Bureau for consultation with a U.S. Attorney's Office representative for the determination of any applicable federal charges.
 3. Cases that will be filed by the affected investigative unit will follow standard investigative protocol outlined in OMS 302.00.
- (3) When an adult is arrested for Possessing a Dangerous or Illegal Weapon as outlined in C.R.S. §18-12-102, the officer will:
 - a. Make a General Occurrence (GO) Report, titled in Versadex as WEAPON – POSS ILLEGAL/DANGEROUS if the weapon involved is classified as a "**dangerous weapon**". C.R.S. §18-12-102(1), defines "dangerous weapon" to be a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.
 1. Route all reports to the Gang Bureau.
 - b. Make a General Occurrence (GO) Report, titled in Versadex as WEAPON – POSS ILLEGAL/DANGEROUS if the weapon involved is classified as an "**illegal weapon**". C.R.S. §18-12-102(2), defines "illegal weapon" to be a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife.
 1. Route all reports to the respective District Investigative Unit.
- (4) If an individual is arrested for Unlawfully Carrying a Concealed Weapon as defined by C.R.S. §18-12-105 and has no previous felony convictions, domestic violence restraining orders, or state domestic violence convictions, then the officer shall jail the suspect and complete a CS&C, probable cause statement and written statement. The probable cause statement and written statement should be attached to the District Attorney's copy. These reports will be given to the sheriff with the CS&C.
- (5) If the person arrested is a juvenile and the juvenile is in possession of a "firearm" or "dangerous weapon" as defined by C.R.S. §18-12-108.5 and C.R.S. §18-12-102(1) respectively, and no other offenses are present, the officer will:
 - a. Notify a Gang Bureau supervisor or in their absence, the on-duty or on-call Gang Bureau detective.
 - b. The weapon possessed by the juvenile must fit the below criteria
 1. Firearm as defined by C.R.S. §18-1-901(3)(h), means any handgun, automatic, revolver, pistol, rifle, shotgun or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.
 2. Handgun as defined by C.R.S. §18-12-101(1)(e.5), means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.
 3. Dangerous Weapon as defined by C.R.S. §18-12-102(1), means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.
 - c. Weapons that do not fit this criterion, however, fit the definition of a deadly weapon as defined by C.R.S. §18-1-901(3) (e) may be charged in connection with offenses requiring a deadly weapon. These offenses include but are not limited to; possession of a weapon on school grounds.
 1. If the case involves a firearm, contact a Gang Bureau supervisor, or in their absence, the on-call Gang Bureau detective for the purpose of determining the offense to be charged.
 - d. If a juvenile is arrested for possession of an Illegal Weapon, or other state charges and the weapon violation is an additional charge, the case will be handled by the appropriate Investigative Division, Bureau or Unit.
 - e. A General Occurrence (GO) report, will not be completed where the only charge is possession of any weapon defined as a deadly weapon, e.g. B-B gun, which does not fit the definition of a handgun or firearm set forth in C.R.S. §18-12-101(1)(e.5) or C.R.S. §18-1-901(3)(h).

- f. If state charges do not exist, the juvenile may be cited for Denver Revised Municipal Code (D.R.M.C) violations.
- (6) When a firearm is placed into the Property Management Bureau, the Commander of the Property Management Bureau will ensure that a copy of the invoice is given to Bureau of Alcohol, Tobacco, Firearms and Explosives so that a gun trace can be conducted. No firearm will be released through the Property Management Bureau until a gun trace is completed and criminal background check run on the person requesting the firearm to ensure they are not prohibited by state or federal law to possess a firearm.

104.30 Processing Persons with a Mental Illness

- (1) Definition of terms
 - a. Person with a mental illness
 - 1. As defined by C.R.S. § 27-65-102, a Person with a mental illness is a person with one or more substantial disorders of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior. Developmental disability is insufficient to either justify or exclude a finding of mental illness within the provisions of this article.
 - b. Gravely disabled person
 - 1. A condition in which a person, as a result of mental illness:
 - a. Is in danger of serious physical harm due to his or her inability or failure to provide himself or herself with the essential human needs of food, clothing, shelter, and medical care; or
 - b. Lacks judgment in the management of his or her resources and in the conduct of his or her social relations to the extent that his or her health or safety is significantly endangered and lacks the capacity to understand that this is so.

Is diagnosed by a professional person as suffering from: Schizophrenia; a major affective disorder; a delusional disorder; or another mental disorder with psychotic features; and Has been certified, pursuant to this article, for treatment of the disorder or has been admitted as an inpatient to a treatment facility for treatment of the disorder at least twice during the last thirty-six months with a period of at least thirty days between certifications or admissions; and

Is exhibiting a deteriorating course leading toward danger to self or others or toward the conditions described in paragraph (1. a.) of this subsection with symptoms and behavior that are substantially similar to those that preceded and were associated with his or her hospital admissions or certifications for treatment; and Is not receiving treatment that is essential for his or her health or safety. C.R.S. § 27-65-102 (9) (a)
 - 2. A person of any age may be "gravely disabled", but such term shall not include a person who has a developmental disability by reason of the person's developmental disability alone.
 - a. Peace Officer - any peace officer as defined by C.R.S. §16-2.5-101
 - b. Respondent
 - 1. A person either alleged in a petition filed pursuant to C.R.S. §27-65-102 to have a mental illness or be gravely disabled or
 - 2. A person certified pursuant to the provisions of C.R.S. §27-65-102
 - c. Professional Person
 - 1. A person licensed to practice medicine in this state or
 - 2. A psychologist certified to practice in this state or
 - 3. A registered professional nurse with extensive education and experience in the field of mental health nursing or
 - 4. A licensed marriage and family therapist
 - 5. A licensed professional counselor
 - 6. A person licensed as a clinical social worker.
- (2) Procedure for processing persons with suspected mental illness
 - a. Officer initiated action – No Criminal Charges or Warrants for Respondent:
 - 1. The DPD Emergency Mental Illness Report, DPD 340, along with a Record of Sick and Injured Persons Report, DPD 150 shall be completed using the definitions outlined above.

2. The distribution of the form is:
 - a. The ORIGINAL copy of DPD Form 340 and the CANARY colored copy of DPD Form 150 are to be left with the evaluation and treatment facility and made a part of the respondent's evaluation and treatment record. In most instances, the treatment facility will be at Denver Health Medical Center.
 - b. CANARY COPY of DPD Form 340 and the PINK copy of DPD Form 150 are to be delivered to the Missing and Exploited Persons Unit.
 - c. The PINK COPY of DPD Form 340 is to be given to the respondent being detained for evaluation and/or treatment.
3. The respondent will be transported to Denver Health Medical Center by the officer(s) effecting custody. A Street Check with the category of CIT Event selected will be completed detailing the circumstances of contact with the respondent.
- b. Officer initiated action – Criminal Charges or Warrants for Respondent:
 1. The Arrestee Mental Health Status/ Suicidal/ Homicidal Tendency Report, DPD 707 shall be completed along with a Street Check entry with the category of CIT Event selected detailing the circumstances of contact and arrest of the respondent.
 2. The distribution of the form is:
 - a. The WHITE copy is provided to the Denver Sheriff's Deputy
 - b. The CANARY copy shall be delivered to the C.I.T. Administrator
 - c. The Pink copy shall accompany the arrestee's charging documents for inclusion in the court file
- c. Officer(s) receiving a call to assist a professional person (as defined above) will proceed as follows:
 1. Officers shall assist any professional person requesting aid in effecting custody of a respondent if: The professional person presents to the officer positive identification, including identification bearing the person's professional license number. The officer must be satisfied with the authenticity of this identification.
 2. No less than two officers shall be dispatched to a call of this nature.
 3. The professional person shall meet the officers at or near the respondent's location and provide an Emergency Illness Report, Form M-1. This form is similar in content but varies in some respects from our department's Emergency Mental Illness Report, DPD 340.
 4. Officers shall check to see that the Emergency Illness Report includes the professional person's signature, professional license number, location and a phone number where the professional person can be reached in an emergency. Officers shall also require that the Report contain a note (printed on the form or handwritten) stating that the officers are assisting only, not making the evaluation.
 5. Officers shall take those reasonable measures necessary to take the respondent into protective custody, however if a forced entry into a dwelling is required, and if time permits, a supervisor shall be consulted.
 6. The professional person shall be required to make positive identification of the respondent.
 7. Officers shall take those measures necessary to protect themselves, the professional person and the respondent. This shall include a weapons search as well as the application of physical restraints when needed.
 8. Transporting the respondent
 - a. The professional person is responsible for arranging transportation for the respondent. If the professional person transports the respondent him/herself, officers may follow them to the treatment facility.
 - b. The respondent will not be transported in a police car unless there are city/state charges, warrants or other police holds. If the respondent is transported in a police car, he/she will be handcuffed and secured with the safety belt.
 - c. An officer may accompany the respondent if he/she is transported by ambulance.
 - d. Officers will not respond to a mental health facility for the sole purpose of transporting a respondent to a treatment facility. The professional person must make his/her own arrangements for transportation. See (8.b.), above.

9. A Record of Sick and Injured Persons Report, DPD 150, shall be completed. A copy of this report and a copy of the Emergency Illness Report (Form M-1) shall be provided without delay to the Missing and Exploited Persons Unit. A Street Check with the category of CIT Event selected will be completed detailing the circumstances of contact with the respondent.
- d. The Deputy Sheriff at Denver Health Medical Center
 1. The deputy on duty in the Emergency Room is designated a special police officer with the power of arrest and is under the primary control of the Chief of Police.
 2. The deputy will supervise the respondent/suspect until hospital admittance is completed.

104.31 Escapes and Hospital Security

- (1) Escapes or attempts to escape from County Jail or Detention Facility.
 - a. When a prisoner escapes or attempts to escape from either the Detention Facility or the County Jail, a General Offense (GO) report, DPD 250, will be made by district uniformed officers. A General Offense (GO) report, DPD 250, will not be made on Community Corrections clients who fail to return or walk away from a work release program.
 - b. The bureau responsible for filing the additional charges, entering information on NCIC/DCIC and handling any other paperwork required will be the bureau which prepared the original case filing.
 1. A copy of the General Offense (GO) report, DPD 250, must be sent by the bureau responsible to the receiving office of the detention facility involved to be included in the prisoners file.
 - c. Prisoners from other agencies housed in the Denver County Jail who escape or attempt to escape will be investigated by a Denver Police detective assigned to the District responsible for that particular geographic area (currently District Five). Federal prisoners will normally be handled by Federal Authorities.
- (2) Escapes by prisoners in hospitals
 - a. The charge of "Escape" will be placed against prisoners only when it can be established by direct evidence that a reasonable effort was made to detain the prisoner.
 - b. The charge of "Escape" will be placed against prisoners only in violent or unusual circumstances or where serious charges were filed originally against such prisoners.
 - c. Prisoners charged with ordinance violations who walk away from Denver Health Medical Center or other hospitals and it appears that no effort was made to detain them will be listed as "Wanted" only on the original charges. The charge of "Escape" will not be added.
 - d. In cases where "Escape" is added to the original charges, persons who can give direct testimony will be listed as witnesses and summoned to court when the prisoner is apprehended.
- (3) Security at Denver Health Medical Center and other participating hospitals
 - a. Officers arresting injured persons for serious charges, where escape could result in danger to other persons or property, or result in the loss of an important case, will follow these procedures:
 1. The prisoner will be accompanied to the hospital by at least one of the arresting officers.
 2. The officer will remain with the prisoner until treatment is complete or until the services of a Denver Sheriff's Deputy can be obtained.
 3. Upon the arrival of paramedics at the scene, they shall make the determination whether the individual has immediate need for services of an operating room facility. If Denver Health Medical Center is on an operating room divert status, the paramedics will advise the police of the situation and will transport such patients via Denver Health Medical Center ambulance to the nearest participating hospital. The officer will advise the police dispatcher of the divert and will request a Sergeant to respond. A Sergeant will respond to the participating hospital and make a determination as to whether or not security of the prisoner is necessary. If continued security is deemed necessary the Sergeant will have the police dispatcher contact a supervisor at the Denver Detention Facility in order for a Denver Sheriff's deputy to respond and relieve the Denver Police Officer at the participating hospital.
 4. If the prisoner is left in the custody of the Sheriff's deputy (or at a hospital without guard) a hold order will be placed and a Sick and Injured Report and General Session Summons and Complaint made out and taken to the Detention Facility elevator operator. See OMS 109.02 DPD 150.

- (4) Escapes from transporting officers
- a. When a prisoner escapes from a transporting officer, the officer shall immediately notify the dispatcher and request whatever assistance is needed to recapture the prisoner.
 - b. If the escape occurs in another jurisdiction, Denver 911 will notify the involved agency.
 - c. If the prisoner is not recaptured, the officer is responsible for initiating any necessary reports.
 1. If the escaped prisoner was arrested for a municipal ordinance violation, the officer shall complete a GSS&C/Warrant, charging the prisoner with any other appropriate ordinance violations. See OMS 104.07.
 2. If the prisoner was being held on a felony or state misdemeanor charge, a General Occurrence Incident Report shall be completed detailing the circumstances surrounding the escape. No pickup shall be placed by the reporting officer.

104.32 Civil Stand-By for the Recovery of Personal Property

- (1) On Public and Private Property
- a. The recovery of a citizen's personal property in the possession of another is a civil matter between the two parties. The only legal authority of the police is to prevent a breach of the peace or to take action on other criminal activity.
 - b. When Officers are requested by a citizen to assist in recovering personal property, the officers should escort the citizen to the location and stand-by while the citizen makes their request. If the person in possession of the property refuses to release it, officers should escort the citizen complainant away from the property and advise them that they may initiate further civil action on their own.
 - c. If the person in possession of the property agrees to its release, the officers should stand-by for a reasonable time while a reasonable amount of property is removed. The officers must remain neutral in these situations and are not to actively participate in the recovery.
 - d. Under no circumstances can property be removed without the presence and permission of the person having authority and control over the location where the property is being stored.

104.33 Misdemeanor Criminal Mischief and Graffiti Related Arrests

- (1) For misdemeanor criminal mischief arrests where the damage is less than \$1,000.00 the following shall apply:
- a. Charge an adult suspect directly with the appropriate Denver Revised Municipal Code violation (38-61 for Damaging, Defacing or Destruction of Public Property or 38-71 for Damaging, Defacing or Destruction of Private Property).
 - b. If the adult suspect does not possess valid identification or his/her identity cannot be verified, jailing of that individual on a General Sessions Summons and Complaint, DPD Form 287 is appropriate.
 - c. Juveniles identified as suspects for a graffiti-based criminal mischief offense require the completion of a General Occurrence Report in accordance to OMS 402.07 (3) c. 8, regardless of the estimated damage value. The determination to jail or issue the juvenile a Request to appear shall be made in conjunction with the Graffiti Unit investigators and taking into consideration factors such as, but not limited to, the estimated damage amount, suspect's prior graffiti involvement and documented gang or tagging crew affiliation. Graffiti Unit personnel are available for consultation during normal business hours or can be reached after hours through request made to the dispatcher.
- (2) Possession of Graffiti Related Materials:
- a. Types of graffiti related material include, but are not limited to broad tipped marker pens, glass etching tools and can of spray paint.
 - b. Juveniles contacted and found to be in possession of graffiti related material shall be issued a Juvenile Summons & Complaint/Warrant, DPD Form 386, with the charge of Possession of Graffiti Materials by Minors Prohibited, D.R.M.C. 34-66. A copy of the Juvenile Summons shall be furnished to the Graffiti Unit.
 - c. Adults contacted and found to be in possession of graffiti related material shall be issued a General Summons and Complaint, DPD Form 287, with the charge of Possession of Graffiti Materials Prohibited, D.R.M.C. 38-102. A copy of the summons shall be furnished to the Graffiti Unit.

- (3) All graffiti related cases, excluding adults directly charged with the appropriate Denver Revised Municipal Code violation of Damaging, Defacing or Destruction of Public or Private Property, require a General Occurrence (GO) Report be completed, whether or not a suspect is arrested. The report shall be titled Criminal Mischief (Graffiti).
 - a. All victims reporting graffiti shall be provided with graffiti removal resources offered through Denver 311.
- (4) When a suspect is arrested for a graffiti or tagging related offense and the established damage is over \$1,000, they shall be charged with Criminal Mischief, C.R.S. §18-4-501, which is a Class 4 Felony. The other state charge that can be applicable is Defacing Property, C.R.S. §18-4-509, which is a Class 2 Misdemeanor.
- (5) The following is required for both felony and misdemeanor charges:
 - a. General Occurrence (GO) report
 - b. Felony / Misdemeanor P.A.
 - c. Probable Cause Statement
 - d. All witness statements including the Officer Statement
 - e. Photograph suspect to document clothing and condition of their hands
 - f. Photographs of defaced property
 - g. Collect and photograph all the recovered evidence, to include the recovery of the suspect's clothing that may have paint/marker present
 - h. A General Sessions Summons and Complaint or a Juvenile Summons and Complaint may be used to charge an individual with Possession of Graffiti Material.

104.34 Evictions

- (1) Denver Sheriff Deputies or other court officers who are charged with executing evictions shall do so in accordance to C.R.S. §18-4-509, Writ of Restitution after Judgment and their internal department policies.
- (2) Denver Police Department has no original responsibility in eviction cases since such cases are civil matters; however, the function of an officer dispatched to a location of eviction is to prevent a breach of the peace or to take action on other criminal activity.
- (3) In the event officers are called to assist at the scene of an eviction, being executed by a court officer, the following procedure shall be in order:
 - a. Evictions will be processed during daylight hours only
 - b. Information regarding household goods placed on public property and evicted families without housing facilities shall be relayed by the responding police officers to their district commanding or supervisory officer
 - c. Household goods on public property:
 1. The supervisory officer shall advise the district car to give additional observation to the household goods.
 2. After seventy-two (72) hours, if there is a complaint about the household goods left on public property, Neighborhood Inspection Services shall be notified.
 - d. Evicted families without housing facilities:
 1. When small children are members of the evicted family and are in need of shelter, the court officer shall coordinate placement with Denver Human Services.

104.35 Enforcement of Protection Orders (Revised 10/2014)

- (1) Issuance and enforcement of protection orders is of paramount importance because protection orders promote safety, reduce violence, and prevent serious harm or death. Therefore a police officer shall use every reasonable means to enforce a protection order. It is important to remember if a violation of a protection order meets the definition of domestic violence, the defendant must be arrested and all appropriate paperwork must be filed. See OMS 104.50.
 - a. There are three (3) types of protection orders that can be issued by the courts:
 1. **Civil** (C.R.S. §14-10-108 and C.R.S. §13-14-104.5)
 2. **Criminal** (C.R.S. §18-1-1001)
 3. **Emergency order** (C.R.S. §13-14-103)

- b. When to file a violation of a protection order at a Municipal level:
 - 1. If the protection order was issued out of a civil case (it will have a letter designation of either "W", "C" or "DR") and no other elements of the crime rise to the level of a state charge the case should be filed with the City Attorney's Office. **Note:** Remember a police officer may only enforce the provision regarding prohibited contact, threatening, beating, striking, or assaulting the victim; or loitering, entering or remaining on/near the premise.
 - 2. If the protection order was issued out of a municipal case and no other elements of the crime rise to the level of state charge the case should be filed with the City Attorneys Office. Please note all city criminal cases will have a GS, GD or GC in the original criminal case number.
- c. When to file a violation of a protection order at the State level:
 - 1. If the protection order was issued out of a state criminal case, the violation of protection order should be filed with the District Attorney's Office. **Note:** All state criminal cases will have a letter designation of either "M" (Misdemeanor), "F" (Felony) or CR (District Court) from the original case number.
 - 2. If any other elements of the crime rise to the level of a state charge, regardless of where the protection order was issued, state charges should be filed. This would include cases involving serious bodily injury (SBI), multiple violations of protection orders, or stalking.
 - 3. All domestic violence crimes committed by a juvenile defendant shall be filed with the District Attorney.
 - 4. Complete a General Occurrence Report to document these outlined protection order violations.

(2) Foreign protection orders - C.R.S. §13-14-110

- a. Definition: Any protection or restraining order, injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary or final orders, other than child support or custody orders, issued by a civil or criminal court of another state, an Indian tribe, or a U.S. territory or commonwealth.
- b. Enforcement:
 - 1. Officers "shall presume the validity of, and enforce" foreign protection orders provided to the officer
 - 2. the protected party does not have a copy of the Foreign Protection Order on his/her person, the officer should determine if the Foreign Protection Order exists on the Central Registry on NCIC, and if so, "shall enforce the order."
 - 3. If the Foreign Protection Order cannot be confirmed, the officer "may rely upon the statement of any person protected by a Foreign Protection Order that it remains in effect. A Peace Officer who is acting in good faith when enforcing a Foreign Protection Order shall not be civilly or criminally liable pursuant to section 18-6-803.5 (5), C.R.S."

(3) If the order involved is a Domestic Violence Abuse Protection Order or Elder Abuse Protection Order issued under C.R.S. §13-14-104.5 and the respondent has not been personally served with a protection order, an officer responding to a call for assistance shall serve a copy of the protection order on the respondent named in the protection order, shall write the time, date, manner of service on the protected person's copy of the order and shall sign the statement. C.R.S. §13-14-107(3)

- a. If a temporary protection order was properly served on the defendant and the court makes the temporary protection order into a permanent protection order without making any changes to the protection order, service of the permanent protection order on the defendant is not required and the officer may enforce the permanent protection order. However, if the court modifies the protection order in any way, except in emergency situations, the modified protection order must be served on the defendant prior to enforcement. In some cases, the court seal may not show up on a copy of the restraining order due to the nature of the seal and the photocopy process. As long as the copy bears a judge's signature, the order should be considered valid and enforceable.

(4) If the protected party does not have a copy of the protection order on his/her person, the officer should check the CBI/NCIC registry, or attempt to contact the issuing courtroom. If the protection order cannot be confirmed, the officer shall complete a General Occurrence (GO) Report, with an offense code titled "Letter to Detectives" and routed to the Domestic Violence Investigations Unit for further investigation. The reporting party should be ordered-in to the Domestic Violence Unit for the following day at 0930 hours.

- (5) If an officer encounters a situation where an arrest for violation of a restraining order cannot be made because any one or more of the mandatory requirements have not been met:
 - a. The officer's supervisor must be called to the scene for verification or assistance.
 - b. The officer shall note on his log sheet the name of the supervisor who covered the call and the specific requirement(s) not met.
 - c. If there are additional questions, supervisors can contact the on-call Domestic Violence Investigations Unit supervisor through Denver 911.
- (6) If the restrained party is a juvenile, upon arrest the juvenile shall be transported to Juvenile Intake for processing. All juvenile domestic violence cases shall be filed under state charge(s). A General Occurrence (GO) report shall be completed and routed to the Domestic Violence Investigations Unit for further investigation.

104.36 Auto Theft and Theft from Motor Vehicle Investigations

- (1) Departmental Responsibilities
 - a. Data concerning auto thefts are processed by personnel assigned to Records Bureau.
 - b. The Records Bureau will verify reports of stolen cars, make all necessary NCIC/CCIC entries, keep records, notify owners of recovered vehicles and enter the data for stolen and recovered vehicles
 - c. Detectives assigned to their respective District Investigative Unit are responsible for investigations relating to the theft of/or from motor vehicles, with the exception of vehicle crimes at DIA. Detectives assigned to DIA will handle these cases.
 - d. The Vehicle Impound Facility of the Denver Sheriff's Department is responsible for custodial functions relating to the storage and release of impounded vehicles. However, all investigative matters and/or problems relating to stolen vehicles and the release of a stolen vehicle shall be handled by the assigned detective.
- (2) Reporting Auto Thefts
 - a. When making a stolen car report, an officer shall be dispatched to contact the complainant personally.
 - b. At the time an officer is sent to make a stolen car report, the dispatcher shall air the following information.
 - 1. Year, make, model, color, license plate, and any distinguishing features
 - 2. Location, time, and date of steal
 - 3. Any suspect information or pertinent facts that might lead officers to the recovery of the vehicle and arrest of the suspects.
 - c. In order to obtain the required information for a case filing, it is necessary to indicate on the report the year, make and model, exact license number and vehicle identification number, as shown on the registration certificate and/or title. Reports shall be complete and should include a description of any accessories, special equipment and valuable contents.
 - d. Officers should question complainants carefully to eliminate family squabbles over possession, misparks, pranks, or other circumstances to ensure the validity of a criminal episode.
 - e. The responding officer shall contact Records Bureau personnel immediately and provide all necessary data (i.e. license plate, VIN, year, make, model, etc.) for timely entry onto the NCIC/CCIC systems.
 - f. After taking the report, the officer shall search the immediate neighborhood for the vehicle reported stolen.
 - g. Officers shall not complete and file a General Occurrence (GO) report under the following circumstances, but instead advise their immediate supervisor and make note of the circumstances in their Daily Activity Log Sheet.
 - 1. When the investigation indicates the absence of the vehicle is the result of a family squabble over possession, a mispark, a prank, or that the vehicle is possibly in the possession of another member of the family or business associate.
 - 2. the mental condition or emotional stability of the complainant is such that their statements are questionable, (i.e. when it is suspected that the complainant may be intoxicated).
 - 3. Any other circumstances that lead the officer to believe that it is not a true case of auto theft.

- h. An auto stolen in the commission of another crime, such as burglary or robbery, shall be included as an additional offense during the criminal episode. When the reporting officer telephones the Records Bureau to supply the data of the stolen motor vehicle, they shall advise Records Bureau personnel that the stolen vehicle was taken as part of another criminal offense and request that a "Hold for Prints" be placed on the stolen vehicle (i.e., "taken in a burglary, hold for prints").
- i. Reports for "Record Only"
 - 1. A General Occurrence (GO) report, for Theft of Motor Vehicle will be in circumstances when the victim's vehicle was stolen and subsequently recovered by the owner or when a Denver officer or another police agency before an official report was made by the victim.
 - 2. The recovery and vehicle information will be supplied to the Records Bureau.

(3) Recovery of Stolen Vehicles

- a. When an officer locates a stolen vehicle, he/she shall advise the dispatcher of the exact location and condition of the wanted vehicle.
- b. The officer will then contact Records Bureau personnel who will attempt to contact the owner.
 - 1. If the owner cannot be contacted, the vehicle will be impounded. See OMS 206.04(3)e.
 - 2. If the owner is contacted, Auto Theft Records will advise the owner they can respond to the location in order to personally recover their vehicle. If the owner is unable to respond in a timely manner, typically thirty (30) minutes, the vehicle shall be impounded for safe-keeping.
- c. The Records Bureau personnel will advise the officer if the owner is enroute and the time of contact.
- d. If the owner of the vehicle, or his/her representative, has not arrived within 30 minutes, the officer may impound the vehicle. Before ordering a tow, the officer should consider the following:
 - 1. The distance the owner has to travel.
 - 2. The time of day, weather and road conditions.
 - 3. The calls for service pending in the officer's area or district.
 - 4. The presence of a large amount of personal property in the vehicle which must be taken to the Property Management Bureau and inventoried.
- e. Officers will complete an Impounded/Recovered Vehicle Report, DPD 224, on all stolen vehicles released to a vehicle's owner or representative, at the scene of recovery.
 - 1. When a stolen vehicle is recovered in any of the Denver International Airport parking lots, the officer will also sign a Receipt for Stolen Vehicle form, provided by the airport authorities, acknowledging the removal of a particular vehicle.
 - a. If the owner responds to pick up the vehicle, the officer will sign the receipt form and complete DPD 224.
 - b. The original of the receipt will be given to the parking lot attendant. The remaining three (3) copies will be turned in to the Airport Security Officer for proper distribution.
 - 2. In all cases, the completed Impounded/Recovered Vehicle Report, DPD 224, will be forwarded via inter-departmental mail to the Records Bureau for scanning into the case file.
- f. In situations when a previously reported stolen vehicle is recovered and parts or articles are identified by the owner as having been taken while the car was stolen, the responding officer will complete a Supplemental Add Report by means of the Mobile Report Entry (MRE). Officers shall not make a new "Theft From Motor Vehicle" or "Criminal Mischief" report. Instead, the same case number from the original motor vehicle theft report generated through the Computer Aided Dispatch system will be used.
- g. When a Denver steal, with occupants, is recovered by another agency, Records Bureau personnel will contact the other agency via teletype, verifying the steal.
- h. Recovery of "Outside" steals
 - 1. When an "outside" steal with occupants is recovered in Denver, the responding officer will complete the General Occurrence (GO) report:
 - a. The case number will be generated by the Computer Aided Dispatch system
 - b. The location of the offense will be the location of recovery
 - 2. When an abandoned "outside" steal is located, it will be impounded and the officer will complete a street check, selecting 'Outside Steal' from the menu options. The officer will place a hold on the vehicle for the outside jurisdiction.

- a. If the owner is readily available, the vehicle can be released at the scene. The officer will complete a street check as well as the impound/recovered vehicle form.
 - b. The officer will notify auto theft records to remove the hit from NCIC.
- i. Crime Lab personnel will respond to collect evidence in Motor Vehicle Theft and/or Theft from Motor Vehicle cases where it is probable that identifiable suspect evidence (i.e. latent print, DNA) can be recovered. See OMS 106.07(8)
- (4) Repossession of Automobiles
 - a. Of primary importance is that the repossession of a car is a civil matter and the only legal authority of the police is to prevent a breach of the peace or to take action against persons who have committed such a violation.
 - b. In order to prevent a breach of the peace, if the person attempting to repossess has no court order, officers should advise such person to get a court order. If the reposessor has a court order, officers should advise the registered owner that it probably would be best to let the car be taken and then initiate legal action if they think they have been treated wrongfully. Officers should also advise the registered owner in the event a court order has been obtained that, if they refuse to let the car be taken they may be liable for a contempt of court charge. If this person still refuses to let the car be taken, officers should advise the reposessor not to take the car but to start contempt proceedings. "Court Order" referred to is a Writ of Replevin.
 - c. Under no circumstances can property be removed from a structure (house, garage, etc.) for the purpose of repossession without the registered owner's permission or a Writ of Replevin which is carried out by the Sheriff's Department.
 - d. If the registered owner of an automobile which has been repossessed has any questions concerning the legality of such repossession, they should be advised to consult their attorney or present the matter to the Legal Aid Society.
- (5) Concealment and/or Removal of Mortgaged Vehicles - C.R.S. §18-5-504
 - a. Patrol officers will not make a report but will direct the complainant to respond to the appropriate District Investigative Unit during normal business hours to speak with a detective.
 - b. A detective will interview the complainant. At the end of the interview, the detective will:
 - 1. Request a copy of the mortgage agreement
 - 2. Request a resume of what efforts the complainant has made to recover the vehicle
 - 3. Examine the agreement for specific conditions regarding the location of storage, maintenance, etc., of the vehicle in question
 - 4. Attempt to determine if the actions taken to remove or conceal the vehicle are in violation of C.R.S. §18-5-504
- (6) Theft of Rental Property (Motor Vehicle) - C.R.S. §18-4-402
 - a. The Colorado Revised Statutes (C.R.S.) require seventy-two (72) hours to elapse beyond the time rented property is to be returned as an element of the crime "Theft of Rental Property"
 - b. If the required time period has elapsed, and a car dealer or individual has made every reasonable effort to regain possession of a vehicle which has been loaned out for demonstration or other purpose, or whenever a rented car has not been returned as agreed by the parties concerned, the person reporting shall respond to the appropriate District Investigative Unit to speak with a detective. If the car rental agency is located at Denver International Airport, the reporting person will have the option to make the report in person to the detectives assigned to DIA.
 - c. If an auto is leased, rented or loaned, and there has been any overt act or omission which would indicate the leasee does not intend to return the vehicle, such as knowledge that the vehicle has or is being altered, sold, or moved out of state, the complainant may make a Theft of Rental Property report without the required 72 hours elapsing
 - d. In all cases of Theft of Rental Property (Motor Vehicle), the complainant will be instructed to:
 - 1. Respond to the appropriate District Investigative Unit during normal business hours to speak with a detective. If the reporting rental agency is located at Denver International Airport, they have the option to make a report in person to the detectives assigned to DIA. The assigned detective shall contact Records Bureau personnel immediately and provide all necessary data (i.e. license plate, VIN, year, make, model, etc.) for timely entry of the stolen motor vehicle onto the NCIC/CCIC systems.

2. Provide a copy of the rental agreement and documentation showing why he/she believes the car will not be returned.

- e. The assigned detective will review the documents, determine the validity of the claim and, if valid, will make a Theft of Rental Property report. The case will be presented to a Deputy District Attorney, who will determine if the case is acceptable for filing.

(7) Equity Skimming of a Vehicle - C.R.S. §18-5-803

- a. Equity Skimming is defined as a person obtaining control over the vehicle of another and then selling or leasing the vehicle to a third party without written authorization from the secured creditor, lessor or lien holder, in effect "sub-letting" a vehicle.
- b. Uniform officers will not make a General Occurrence (GO) report, DPD 250, but will direct the complainant to respond to the appropriate District Investigative Unit during normal business hours to speak with a detective.
- c. The assigned detective will interview the complainant, determine if the case meets the statutory requirements and make any necessary reports.

(8) VIN Inspections

- a. Regular VIN Inspection
 1. All vehicles with out-of-state ownership documents must have the VIN numbers inspected by any duly constituted peace officer of a Colorado law enforcement agency, licensed automobile dealer, or any of the Air Care Colorado Emissions Inspection Station before the vehicle is titled in Colorado.
 2. Regular VIN Inspections are a free service to citizens and can be done by any Denver Police Officer, as time allows, during his/her normal tour of duty. The inspection will be done only on vehicles that have been previously titled in another state and on the form provided by the Division Motor Vehicles Title Section of the Colorado Department of Revenue.
- b. Certified VIN Inspections
 1. Vehicles with bonded titled, homemade vehicles, rebuilt vehicles, salvage titles and other such vehicles as stipulated by the Colorado Revised Statutes (C.R.S.), require the VIN inspections to be completed ONLY by Certified VIN Inspectors.
 2. Those citizens requesting Certified VIN Inspections will be referred to the Colorado State Patrol webpage for the list of Certified Colorado VIN Inspection locations.

104.37 Deleted 04/2013

104.38 Animal Related Incidents (Revised 08/2014)

The Denver Police Department understands that all animals, especially the domesticated animal population of its citizens, have a right to life and recognizes the complexity of the human-animal relationship; in order to address incidents that arise from human-animal interaction within the context of applicable statutes, municipal codes and regulations, officers are reminded to utilize reasonable discretion when encountering animal related incidents.

When reasonable, officers will make every attempt to allow the owner to bring their animal under control and/or remove their animal from the immediate area before taking enforcement action. Officers will take into account their own safety, the safety of others in the area and the feasibility of allowing the owner to act considering the totality of the circumstances; this includes the presence of an animal control officer and/or any other exigencies that prevent such a response.

Officers will need to make their initial assessment of the animal related incident in order to formulate the appropriate response based on the behavioral traits of the animal and the environment as often the size and/or breed of the animal are inappropriate indicators. Officers should be mindful that domesticated animals are accustomed to human interaction and that it is common for a domesticated animal to run towards, jump and/or make an audible sound in order to greet a human. Officers need to differentiate between common behaviors associated with domesticated animals and those behaviors that put the officer and/or other persons in imminent danger.

Common canine behaviors:

- Canines that are frightened often are low to the ground, have their tail tucked between their legs and the ears may be flat against the head.

- Canines that are barking/lunging and that are restrained by a barrier (e.g., fence, chain, rope) are often the highest risk to bite due to the canine feeling frustration at not being able to access the human and/or feeling territorial over the space. The best strategy is to maintain a safe distance. An unrestrained canine that communicates in the same way is conveying a warning, not necessarily intent to bite – however, if the warning is not heeded, the canine may be likely to bite.
- Canines are stimulated by quick movement and will chase any rapidly moving object. Thus, running from a canine stimulates chasing behavior and may escalate to grabbing and biting. Often, this is not aggression, but rather a game for the canine.
- Canines that are snarling (tensing their lips to expose their teeth) and growling are conveying the clearest and strongest of warnings. A growling canine should not be approached.

When officers have sufficient advanced notice that a potentially dangerous domesticated animal may be encountered, such as in the serving of a search warrant, officers will develop a reasonable contingency plan for dealing with the animal without the use of deadly force. When the officer reasonably believes, based on the facts and circumstances, that the animal on which the force is used poses an immediate threat of injury to the officer or another individual, he/she will apply the use of force continuum and use the minimum amount of force necessary to bring the animal under control.

Nothing in this policy shall prohibit any officer from resorting to deadly force to control a vicious or dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impracticable. However, serious damage to community trust can result when an officer's assessment of "imminent danger" is challenged by witnesses, the animal's owner or a video recording of the event. Officers can mitigate liability and harm to themselves, fellow officers, bystanders and community perception by attempting to diffuse potentially harmful situations without the use of lethal force.

Non-lethal options:

- Batons, flashlights and/or clipboards can all be used to block or redirect an attack. In addition, these items can be used in lieu of a bite stick.
- Fire extinguishers produce noise, cold and an expanding cloud – a combination that frightens canines.
- Oleoresin capicum (OC) spray is highly effective and can be sprayed from a great distance.
- An ERD/TASER must be deployed differently than with humans. The canine's body mass is parallel to the ground, therefore to properly use the device, it must be held sideways so that the probes fire horizontally and in line with the canine's body. The ERD/TASER should be used sparingly as it can cause serious death or injury to the animal.

(1) Injuries caused by animals

- Officers will render first aid and call for EMS, if necessary. If the injury involves an animal bite, the person will be advised to seek medical attention.
- If the bite was sustained from a domesticated animal, officers will attempt to locate the owner and advise them that all animal bites must be reported to the Denver Animal Shelter within twelve (12) hours so that the animal can be impounded for rabies observation. Victims and/or legal guardians will be advised of the same.
- Victims that have sustained an animal bite from a wildlife animal (e.g., skunks, raccoons) will be advised to report the incident to the State Health Department.

(2) Dead animals: Officers will report the location of any carcass or remains of dead animals to the dispatcher.

- If there is evidence of criminal activity, the officer will complete a GO report, photograph the animal and collect any relevant evidence. The officer will request the removal of the animal through Denver 911.

(3) Injured animals

- Officers encountering any injured domesticated animal will make all reasonable attempts to contact the owner or responsible party.
- If the owner cannot be located, the officer will advise Denver 911 of the location and request assistance from the Denver Animal Shelter.

- c. Officers will use discretion when rendering aid to an injured animal. Animals that have sustained an injury are often fearful of further attack and/or injury and may become aggressive if not approached with caution. Officers will consider the totality of the situation, to include the nature of the injury, whether the animal is an immediate danger to the community, the current behavioral state the animal is exhibiting and whether the officer is even adept to deal with the type of injury when making this decision. Officers will be mindful of the perception of the public when utilizing their discretion.
- (4) Cruelty to animals: Personnel assigned to the Denver Animal Shelter investigate cases of cruelty to animals, neglect, abandonment or poisoning.
- (5) Killing of Animals: Officers may kill any vicious or dangerous animal that is an immediate danger to life, or which requires a humane ending to its suffering from serious injuries. If the animal in question has bitten someone, the officer will try and keep the animal's head intact as the examination of the brain can determine if the animal was rabid. See OMS 105.05 (3) c.
 - a. When an officer discharges a firearm in order to kill an animal they will maintain their firearm in its condition at the conclusion of the event, making no changes to the firearm, except to make it safe.
 - b. Empty magazines, speed loaders, spent shell casings etc, will remain where deposited, and will be documented and collected during crime scene processing.
 - c. The involved officer will maintain custody of their firearm and the responding homicide detective, under the advisement of their sergeant, will decide if the firearm is to be relinquished.
 - d. If the firearm is not relinquished, the responding homicide detective will ensure the weapon is documented prior to the involved officer being released from the scene.
 - e. If the firearm is to be relinquished see, OMS 105.04(4)d.
- (6) Wild animals: The Colorado Department of Wildlife will be contacted to have representatives respond to the scene to control and capture such animals.
- (7) Loose livestock
 - a. Vehicular traffic should be slowed or stopped to allow any roaming or grazing livestock to be herded off the roadway.
 - b. Assistance in herding, transporting and corralling is available from the Brand Inspection Division of the Colorado Department of Agriculture and/or the Denver Police Mounted Patrol Unit. On-call representatives are available through Denver 911.
- (8) Nuisance Complaints
 - a. In order to file a nuisance complaint, the complainant must appear in person at the Denver Animal Shelter or call Denver 311 for further information. The complainant must know the name and address of the animal's owner and be able to identify the owner as well as have a sufficient factual basis for the filing of the complaint. The written complaint must state the specific location, date and time of the alleged offense.
 - b. Police officers are authorized to issue a US&C when he/she personally observes violations of Sections 8-46 (Barking Dogs), 8-47 (Disposition of Excrement), and 8-48 (Damaging Property) of the D.R.M.C.
 - c. Complaints concerning property damage caused by wildlife will be referred to the Colorado Department of Wildlife.
- (9) Police assistance at animal related calls
 - a. All calls for service requiring the animal control officers shall be dispatched by the Denver Health Medical Center dispatchers at Denver 911.
 - b. Denver Police officers will respond to the following:
 - 1. cases of dog bites or vicious dog complaints; when the dog is a present threat to life or additional injury.
 - 2. When persons resist the lawful duties of the animal control officer, a Denver Police officer will take the necessary action to assist in identifying the owner, issuing a summons, impounding an animal and/or any other necessary action.
 - 3. In cases of serious injury, when other assistance is not available, the police department will respond to the scene.

(10) Service Animals

- a. The Americans with Disabilities Act of 1990 (ADA) defines service animals as any dog that is individually trained to work or perform tasks for people with disabilities. Service animals are working animals and provide aid to individuals with a wide array of disabilities. These include, but are not limited to, physical, sensory, psychiatric, intellectual or other mental disabilities. Trained behaviors in crime deterrence, comfort, companionship, emotional support or other similar tasks do not qualify as service animals under the ADA.
 1. The task a service dog performs must be directly related to the disability. For example, the dog may assist a visually impaired individual with movement, provide physical support to those with mobility concerns, alert an individual to the presence of allergens, retrieve certain required items and/or help an individual with psychiatric and neurological disabilities (such as PTSD).
 2. There is no requirement concerning the amount, type of training or certification process that an animal must undergo before being labeled as a service animal. In addition, no special collar, tag or labeling is required.
 3. Service animals are not pets and in order to not interfere with the important tasks they perform, officers should not talk to, pet or otherwise initiate contact with the animal.
- b. When it is readily apparent the animal in question is there to provide aid to a disabled individual (for example, when a person with a vision impairment has a seeing eye dog), officers are not allowed to ask questions in order to verify the status of the animal.
- c. When it is not obvious what service the animal provides, the ADA allows an officer to ask the following limited two questions:
 1. Is the dog a service animal required because of a disability?
 2. What work or task has the dog been trained to perform?

If the individual responds by indicating that the animal is required because of a disability and has been trained to perform at least on task to assist the individual, the animal meets the definition of a service animal and no further questions should be asked. Officers may not ask about the nature of the person's disability, require medical documentation, require documentation concerning the training of the animal or ask the owner to have the dog demonstrate the task it has been trained to perform.
- d. Service animals in public buildings and/or facilities
 1. Service animals are permitted anywhere the public is allowed.
 2. Under the ADA, service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. Under such circumstances, the individual must maintain control of the animal through voice, signal or other effective controls.
 3. Service animals may be excluded from areas of police facilities that are not open to the public, such as the inside of a patrol vehicle or the district station holding cells.
 4. A person with a disability cannot be asked to remove a service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it, including when an animal exhibits vicious behavior and poses a threat to the safety of others; or (2) the dog is not housebroken. Barking alone is not a threat nor does a direct threat exist if the owner takes prompt, effective action to control the animal. When there is a legitimate reason to ask that a service animal be removed the person with the disability must be offered the opportunity to obtain the goods or services without the animal's presence.
- e. When an officer takes an individual with a service animal into custody, the officer will explain that the service animal will not be allowed into a detention facility; however, the officer will make every effort to turn the service animal over to a caretaker designated by the owner/handler. If no caretaker is available, the animal will be turned over to Denver Animal Control. Denver Animal Control can be requested through dispatch and will respond 24 hours a day to all calls for placement of service animals. The officer must tell the responding animal control officer that the animal in question is a service animal, so that an administrative hold can be placed. The officer will note the disposition of all service animals when the owner/handler is arrested on the Daily Activity Log, DPD 120.
- f. Service animals may be of any type or breed. Disabled individuals who possess a pit bull trained as a service animal may not be arrested or prosecuted for violating any Denver Revised Code prohibiting pit bulls.

104.39 Contacting Employees at Place of Employment

- (1) All officers are instructed that under ordinary and normal circumstances they are to make a first contact at a private business or in any governmental agency with the manager or assistant manager of the employee they want to interview.
- (2) The purpose of contacting the manager or assistant manager first rather than the employee is to expedite the contact of the employee to create as little disruption of work activities as possible and to save our officers' time.
- (3) This procedure does not apply if there exists the possibility that the contact of the manager may in some way allow the escape of an employee who is to be arrested.

104.40 Colorado Victim Rights Statute

- (1) The Colorado Victim Rights Statute C.R.S. §24-4.1-302.5 requires that police officers provide certain information to victims of specified criminal acts. A summary of the specified crimes is as follows:
 - a. Any crime of violence reported as a violation of state statute (murder, kidnapping, robbery, assault, sexual assault, harassment by stalking, ethnic intimidation etc.);
 - b. Any domestic violence related crime including city ordinance violations (simple assault, disturbance, threats, etc.);
 - c. Any state statute crime of violence or theft C.R.S. §18-4-401(1) committed by the suspect in the presence of a victim who is an "at-risk" person. By legal definition C.R.S. §18-6.5-102, this includes persons age 60 or older or those who are disabled due to mental illness/impairment or who are unable to: walk, see, hear, speak or breathe without mechanical assistance. See OMS 104.49(1);
 - d. Careless driving that results in the death of another or failure to stop at the scene of an accident where the accident results in the death of another.
- (2) In order to assist these crime victims and to comply with the Victim Rights Statute, officers and investigating detectives shall, at a minimum, advise these crime victims of the following information:
 - a. The telephone number for the Denver Police Department Victim Assistance Unit (720-913-6035)
 - b. When an adult suspect has been arrested, the victim shall be given the Victim Information and Notification Everyday (VINE) Hotline telephone number **(1-888-263-8463)**. By calling this number and entering the suspect's name or booking number, the victim can arrange to be immediately notified when the suspect is released from custody.
 - c. The Victim Assistance Unit brochure titled, "Your Rights as a Victim of Crime", which contains the foregoing information, shall be given to the described victims
- (3) Detectives assigned to investigate these described cases shall ensure that a copy of the General Occurrence (GO) report, and/or case documents showing a phone number or location where the victim(s) can be contacted is immediately forwarded to the Victim Assistance Unit **(fax 720-913-7502)**. The Victim Assistance Unit will contact the victims and provide the needed information and assistance.

104.41 Theft of Meals - Gasoline

- (1) When a suspect is arrested
 - a. The suspect shall be charged with Shoplifting, Section 38-51.5. Do not charge a suspect with "investigation" unless the offense is a felony
 - b. The suspect may be jailed or walked through the Identification Section or, in minor offenses with positive identification, ordered in to Court at the discretion of the arresting officer.
 - c. If the suspect is jailed, the block "Jail, Bond Not Required" shall be checked in most instances. When a bond is not required, the suspect will be released after being fingerprinted and photographed. When the suspect is without adequate positive identification, is a transient or is a Denver resident who presents to the officer the impression they will not appear in Court as ordered, bond is appropriate
 - d. The court appearance date shall be set at a minimum of fourteen days from the date of the offense, excluding weekends and holidays.
 - e. Fill in complete details of offense and all other pertinent information such as witnesses' names and addresses where applicable, on the reverse side of the General Session Summons and Complaint. A person familiar with the value of the items taken must be endorsed as one of the witnesses

- (2) Felony cases (more than \$1,000.00): When the retail value of items taken is more than \$1,000.00, the case shall be handled as any other felony, processing the suspect following the guidelines in OMS 104.01(24) and proper disposition of property.
- (3) If the offense involves a check or financial transaction device, the procedures in OMS 303.08 and 303.12 shall be followed.

104.42 Utilization of Arrest Teams at the Scene of Non-Violent Demonstrations Where Unlawful Acts are Committed

The below procedure is a general processing guide and can be modified as determined by the Incident Commander:

- (1) Upon arrival at the scene of a demonstration, the officer in charge shall endeavor to identify the leader or leaders and, if possible communicate with the mass of demonstrators through their leadership. The demonstration leader, or the group, shall be advised of the laws pertaining to the free movement of pedestrian and/or vehicular traffic while demonstrating and/or any other statute that may be violated during their presence. In the event of mass arrests for non-minor events, the officer in charge at the scene may utilize all or parts of the procedures described in OMS 104.42 and 104.43.
- (2) All uniform officers reporting to the scene of a demonstration shall be structured in squads under the supervision of a sergeant. The squad size shall be determined by the officer in charge, in accordance with the individual situation. Each sergeant shall be responsible for instructing their officers in the techniques of employing arrest teams, designating the arresting officers, and actively directing the activities of the team members.
- (3) Arrest teams shall consist of the following personnel:
 - a. One sergeant, who shall be in direct charge of an arrest team
 - b. Arresting officers
 - c. Supporting officers

104.43 Mass Arrests

- (1) In the event that mass arrests for non-violent minor offenses appear imminent, the officer in charge at the scene shall approach the demonstration leadership and explain the violation being committed. See OMS 108.03.
- (2) The officer in charge shall direct that all violations be corrected immediately. If they are, no further police action shall be taken.
- (3) The officer in charge shall determine the number of persons likely to be arrested and the number of transporting vehicles necessary to accommodate these numbers.
- (4) If the leaders do not comply with the directives, the officer in charge shall publicly announce to the crowd through a voice amplification system, the following announcement and dispersal order: "I am (name and rank) of the Denver Police Department. I hereby inform all persons assembled that you are in violation of (City ordinance or State statute violated in general terms). In the name of the people of the City and County of Denver, I command all of you here assembled, to disperse. Failure to do so shall subject each of you here to arrest and prosecution."
- (5) The officer in charge shall wait a reasonable length of time for compliance. If the crowd does not disperse, repeat the aforementioned order. Both of these announcements, along with any statements by the demonstration leadership, may be tape recorded as evidence, if such is possible.
- (6) A commanding officer from the Major Crime Division shall be in charge of mass arrests processing and will determine the number of Mass Arrests Processing Teams, hereinafter referred to as MAP Teams.
- (7) Each MAP Team consists of five to six officers and a supervisor equipped with a mobile trailer containing equipment and documentation including the following:
 - a. Digital camera equipment and saved data cards
 - b. Lap top computer, printer, SD card reader, router, and wiring
 - c. Large storage (Raid) hard drive
 - d. Large data cards, General Sessions Summons and Complaints, and property documentation
 - e. Generator
 - f. Privacy screens and portable awning

- (8) MAP Teams will generally deploy behind any field force or response team and be within walking distance of arresting officers.
 - a. Sufficient DPD or DSD personnel shall guard the MAP Teams along with any appropriate bus or van used for prisoner transport.
- (9) Once deployed and set up has occurred; the following procedures will be followed by arresting officers and MAP Team personnel:
 - a. Whenever possible, dual loop flex cuffs will be utilized for arrests which feature an embossed unique identification number along with six detachable labels featuring the same unique number. The number will be used to track the prisoner and the labels shall be attached to accompanying documentation. After the flex cuffs are cut by DSD personnel, one half of the cuffs will remain on the suspect for identification and tracking.
 - b. Arresting officers will search prisoners and place property into DSD property bags with the exception of billfolds or currency. One of the flex cuff labels will be affixed to the property bag or the number handwritten onto it. Property bags will be transported with the prisoner to the location of detention by DSD. Standard size backpacks will also be transported with prisoners by DSD. Oversize property will be placed in the Property Management Bureau.
 - c. If possible, arresting officers in pairs will arrest suspects with one officer generally maintaining control of the suspect and the other documenting the event.
 - d. The arresting officer without control of the suspect will be given a clipboard and begin documentation including GSS&C, DPD 287, Property Envelope, and Property Invoice & Receipt, DPD 122. The GSS&C narrative should be completed with sufficient notes regarding the arrest that the document could stand on its own when reviewed for arraignment. The cuff number shall be handwritten on the GSS&C to insure it is present on all NCR copies. This officer will also provide suspect and arrest information to MAP officers to be placed onto the large data board.
 - e. The large data board will list information about the arrest including suspect information, violation, along with an affirmation read by the arresting officer similar to a General Sessions citation.
 - f. Once the data board is completed, **both** officers and the suspect will be photographed with the data board also in the photo.
 - g. The officer in control of the suspect will then give a video interview to MAP personnel including all information documented on the data board. In addition to "LOVID," the officer will also give a personal account of the arrest including their observations. Information such as who gave the order to disperse and time of order should be documented in the interview. MAP personnel will ask any follow-up questions necessary. Uncooperative suspects will be removed and only the officer will be featured in the video.
 - h. The MAP team member operating the digital camera will attach one of the flex cuff labels to the SD card and then give the SD card to MAP members operating the lap-top computer. One SD card will be utilized per suspect and will be later booked into the Property Management Bureau individually.
 - i. The MAP team officer operating the computer will place the card in the reader, download the files into the hard drive and print two copies of the photograph. One copy of the photo will be given to the arresting officer and the other will be placed into the property bag with the General Sessions.
 - j. The SD card itself will be placed into a plastic bag/property envelope. The property envelope will be stapled to the completed property invoice; each of which shall receive a flex cuff label.
 - k. MAP team members will assist arresting officers in completing documentation including GSS&C, Property Invoice & Receipt, and Property Envelope.
 - l. The completed GSS&C, photograph, property bag, personal property including standard size backpacks, and bags will be received with the suspect by Denver Sheriff Department personnel for transport.
 - m. Property envelopes, Property Invoices & Receipts, large personal property, and additional evidence will be transported by Property Management Bureau personnel.
 - n. Once a DSD bus is full and ready for departure, data for each transported suspect will be downloaded by DSD personnel onto a USB drive to be transported with the prisoners. Photos and video interviews can then be made available for arraignment at the location of detention.
 - o. MAP team members shall keep an arrest log that will include each arrestee's name, DOB, home city/state, and charge. Arrest logs shall be forwarded to the Command Post
- (10) Felony and misdemeanor packets will be available for completion by arresting officers. Officers making felony or state misdemeanor arrests will be taken out of service when available.
- (11) Juveniles will be charged on a JV summons, if appropriate and kept separate (sight and sound) from adults. Juveniles will be transported to DPD Headquarters by Juvenile Intake personnel.

- (12) Property with no monetary value such as signs, literature, or other items carried by an arrestee not considered personal property, will be considered trash and discarded. Public Works resources are available if needed. Mobile processing stations will discard trash after arrests are processed. A photo of the items grouped together will be taken prior to their disposal.
- (13) Pamphlets from the Office of the Independent Monitor will be provided to arrested parties making claims of inappropriate conduct by police officers. The pamphlet will be placed into the suspect's property bag. Both Spanish and English versions of the pamphlet will be available. The form is self addressed with prepaid postage and explains to the suspect how to file a complaint with the OIM and IAB. If an arrestee is claiming an officer used unnecessary force and has any visible injuries or requests medical attention, the arresting officer's supervisor will be required to respond to insure no further investigation is required at the scene.
- (14) At the completion of an event, MAP personnel shall save all data by date and location onto a large-capacity hard drive called a Raid Drive which is to be placed into the Property Management Bureau. The arrest log will be forwarded to the command post.

104.44 Identification Procedures

- (1) The Denver Police Department recognizes the importance of obtaining complete descriptions of offenders linked to unlawful acts and is committed to providing accurate information and verifying suspect identity when seeking warrants for the arrest of subjects involved in criminal incidents. A critical aspect to subject identification is ensuring that reasonable efforts occur to verify the correct identity of a suspect.
Accurate documentation is a key factor when writing a warrant and preparing a criminal filing for the court. With this in mind, officers and investigators shall use the following procedures, under the proper circumstances, when identifying possible suspects involved in a crime under investigation.
- (2) General information: Eyewitnesses play a critical role in our criminal justice system. They are often essential to identifying, charging, and ultimately convicting perpetrators of crime and in some cases may provide the sole piece of evidence against those individuals. For these reasons, the value of accurate and reliable eyewitness evidence cannot be overstated.
- (3) Definitions: There are three types of identification procedures conducted by law enforcement officers. These procedures are designed to obtain witness and victim identification of suspects involved in criminal activity. These identification types are as follows:
 - a. Show-up: This is a one-on-one identification procedure most often used immediately after a criminal event, where the suspect is caught at, or a short distance from, the crime scene. Similar to the show-up is officers/investigators showing a single photograph when the victim or witness knows the perpetrator. In this circumstance, officer/investigators must ensure that the witness/victim has articulable knowledge of the subject prior to showing the single photograph.
 - b. Photographic line-up: This is an identification procedure where a series of photographs are placed into an array for the purpose of showing a witness.
 - c. Physical line-up: This is an identification procedure where several individuals, including the subject, are staged for the purpose of viewing by a witness.
- (4) Show-up procedures: When circumstances require the prompt display of a single suspect to a witness, challenges to the inherent suggestiveness of the encounter can be minimized through the use of procedural safeguards. Show-up style identification procedures are often challenged and every effort must be made to avoid unnecessary suggestiveness. When conducting a show-up, the investigator/officer will:
 - a. Determine and document, prior to the show-up, a description of the perpetrator.
 - b. Transport the witness to the location of the detained subject to limit the legal impact of the subject's detention. There are legal restrictions as well as scene contamination issues regarding the return of suspect(s) to the scene.
 - c. Separate all witnesses to avoid information contamination.
 - d. Caution witnesses that the subject MAY OR MAY NOT be the suspect involved.
 - e. Assure witnesses that an investigation will continue regardless of their ability to make or not make an identification.

- f. Allow only one witness at a time to view the subject when multiple witnesses exist.
 - 1. Should a witness make an identification other identification means should be employed for the remaining witnesses. This is a safeguard method should the show-up procedure be attacked in court.
- g. Document in statement form the information provided by the witness(es) regardless of whether they do or do not make an identification. In addition, document the time and location of the show-up and take photographs of the subject to preserve the description of the suspect at the time of the show-up.
- h. All documents secured in this procedure will be forwarded to the investigative unit responsible for any subsequent investigation of the crime committed.
- i. Investigators occasionally show a single photograph to confirm identity in specific situations. These include, but are not limited to:
 - 1. Verifying the identity of a spouse or boyfriend/girlfriend in a domestic violence case
 - 2. Confirming the identity of a suspect known to the witness or victim
 - 3. Confirming the identity of a known associate to a witness
 - 4. Verifying the knowledge of a subject to a victim in DNA/CODIS identification situations

(5) Photographic line-up procedures: It is the policy of the Denver Police Department that when conducting a photographic line-up, the sequential photographic line-up procedure will be used. The sequential decision procedure is meant to reduce the tendency of the witness to compare one photo with another photo (i.e., make relative judgments).

The idea is for the witness to make a final decision on each photo before moving on to the next photo by comparing each photo with his/her memory of the perpetrator. When constructing and showing a sequential line up, the following procedure will be used:

- a. Constructing the Photographic Line-up:
 - 1. Include only one target subject in each photographic line-up packet.
 - 2. The investigator/officer will use reasonable efforts to obtain the most recent existing photo of the target suspect prior to showing the photographic line-up to the witness/victim. Occasionally, the investigator/officer may experience circumstances that do not allow for the showing of a recent photograph. Such circumstances include, but are not limited to:
 - a. The subject shaved or has grown facial or head hair since the occurrence of the incident.
 - b. The current photograph shows the subject wearing glasses or a cap/hat not described by the witness/victim at the time of the incident.
 - c. The subject show facial anomalies such as tattoos, jewelry, or injury in the most recent photograph that was not present at the time of the incident.
 - d. The subject aged since the incident and a photograph taken near the time of the incident would prove more appropriate (e.g. cold case investigations).
 - 3. Should multiple photographs of the subject exist, select the one that best fits the witness's description of the subject.
 - 4. Select filler photographs that generally fit the witness's description of the subject, and that are consistent with the subject photograph.
 - 5. Include a minimum of five filler photographs in addition to the subject photograph, but no more than ten total photographs.
 - 6. The same filler photographs will not be used for additional subject line-ups constructed in the same case investigation.
 - 7. Each photograph will be placed on its own blank sheet of paper. The subject's position in the line-up should be rotated randomly. Investigators/officers should be aware that they are not routinely placing subjects in a consistent position with each line-up folder produced.
 - 8. Ensure that the subject does not stand out unduly and that the photographic line-up is not overly suggestive. This will include, as best as practical, choosing photographs that do not contain unique identifiers such as numbers, markings, or other unique characteristics that the filler photographs do not have.
 - 9. Document the identity of all persons inserted into the photographic packet.
 - 10. Produce an "original" and a "working copy" of the photographic array. The "original" will be placed into the Property Management Bureau under the evidence number for the investigation. The "working copy" will be maintained with the case file.

- b. Conducting the Photographic Identification Procedure:
 - 1. The photographic identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness's identification. This process will be conducted in a manner conducive to obtaining accurate identification or non-identification decisions on the part of the witness.
 - 2. The photographic array will be shown to the witness in a "blind" format. With this type of procedure, the case investigator/officer simply has someone who is not familiar with the case, or with the identity of the lineup members, and does not know the position of the target subject in the lineup, conduct the lineup procedure. Such a procedure helps ensure not only that the case investigator/officer does not unintentionally influence the witness but also that there can be no arguments later that the witness's selection or statements at the lineup was influenced by the case investigator/officer.
 - a. The Blind Line-up may not be utilized in the following situations:
 - 1. The officer/investigator articulates a compelling need to avoid such a procedure, or the case investigation will be jeopardized by such a procedure, or
 - 2. The officer/investigator obtains the approval of a command officer to not use the Blind Line-up.
 - 3. In no instance will a line-up be shown in a format other than a Blind Line-up where the charges sought will be felony charges.
 - 3. Prior to viewing the photographic line-up, the investigator/officer will read the line-up Admonition/Identification, DPD 170, to the witness viewing the line-up. At the conclusion of reading that form, the witness will sign the form to indicate that they understand the document. This signed form will be included in the case file.
 - 4. In addition to the admonition, provide the witness with the following information:
 - a. Individual photographs will be viewed one at a time. The photographs viewed by the witness will be considered original photographs. Witnesses shall not be permitted to write or mark on these original photographs.
 - b. The photos are placed into the array in random order.
 - c. You will only view each photograph in this array one time. Please take as much time as needed in making a decision about each photo before moving on to the next one.
 - d. All photos will be shown, even if an identification is made.
 - e. If you can make an identification, please indicate your selection to the investigator/officer
 - 5. Should the witness make or not make identification, officers/investigators will document the following:
 - a. Identification information of all subject and filler photographs, and sources of all photos used
 - b. Names of all persons present at the photographic lineup
 - c. Date and time of the identification procedure
 - d. Document, in writing, statements as to the witnesses' ability to make or not make an identification
 - e. When the witness/victim makes identification, the investigator/officer will ask the person viewing the photographic line-up to sign a copy of the photograph indicating that the photograph selected is of the subject involved in the crime under investigation. Should the person viewing the photograph refuse to sign, the officer/investigator shall document that fact in their statement or report.
 - f. Identification statements can be made on the Admonition/Identification, DPD 170, or Statement form, DPD 366, should more space be required
 - 6. Make a copy of the photographic line up packet that the witness viewed irrespective to their making an identification. Include the signed photograph with this copy if the witness makes an identification. Place a copy of the signed admonition form with the copied packet. Place this copied packet with the case file. Place the originally signed admonition for each witness viewing the line-up into the case file.

7. Other than shuffling photographs to show a line-up to other witnesses, officers/investigators shall make no changes or additions to the original photographic line-up packet. Officers/investigators will show each witness in a given criminal investigation the same original photographic line-up packet. When showing the same photographic line-up packet to additional witnesses in the same case investigation, the officer/investigator shall randomly rotate the photograph positions to avoid charges of suggestibility.

- (6) Physical Line-up Procedures: The target subject of a physical line-up may appear in one of two ways;
 - a. Voluntarily
 - b. Response to a Court order for non-testimonial evidence: (Rule 41.1 or Rule 16, C.R.S.)
- (7) When a subject is compelled to stand in a physical line-up procedure, and is represented by an attorney, that attorney will be contacted prior to conducting the physical line-up procedure. The attorney will be offered the opportunity to be present for the procedure prior to the procedure being conducted.
- (8) Admonition/Identification, DPD 170, shall be submitted for each line-up conducted by any police officer. The advisement portion of the form is to be completed prior to placing the target subject in the physical line-up. Use a separate form for each witness.
- (9) It is preferable that five persons, in addition to the target subject, be placed in the physical line-up. In the event we are unable to locate five similar individuals after a reasonable effort, four additional persons may be used, but in any event, no fewer than four. The position of the target subject shall be rotated so that they will not always appear in the center, or same location. The physical line-up procedure is the only one permitting fewer than five fillers.
- (10) It is preferable that as few police officers as possible be used in the physical line-up. Generally, inmates of the Detention Center should be used, but if circumstances warrant, similar type individuals may be used regardless of their occupation. Our objective is to present as fair a physical line-up as is reasonably possible.
- (11) Each subject will be attired in a similar fashion so that there is no undue claim of suggestibility. Dressing each of the subjects in jail clothing is a preferred method to ensure this requirement.
- (12) All witnesses viewing the physical line-up should be physically separated by an appreciable distance so that no conversation can take place among them. Additionally, all officers shall be similarly situated away from the witnesses. Witnesses must be instructed prior to the proceedings not to comment verbally or make any specific movements which might tend to influence anyone else present, until after the physical line-up is completed.
- (13) All photographs of the physical line-up procedure shall be taken by Crime Lab or Forensic Imaging Unit personnel. Photographs shall be captured in color. At least two photographs shall be taken and will show the following:
 - a. The target subject and all other individuals lined up with him or her as viewed by the witnesses.
 - b. The witnesses' positions in the audience to include the attorney representing the target subject (if present).
- (14) The Physical Line-up participants will be shown to the witness(es) one at a time. The participants will turn 360 degrees around so that all sides can be viewed. The witness(es) will be given time to view each participant prior to them leaving the room and the next participant entering. Should the participants be required to make a statement, particular movement, or wear a specific item of clothing (e.g., a bandanna, hat, etc), each participant will make the same statement, wear the same clothing item, or make the same specific movement.
- (15) After the witnesses have viewed the individuals in the physical line-up they will be required to complete the Admonition/Identification, DPD 170. The attorney representing the target subject shall be allowed to be present when the witness(es) renders the results of their observations to the officers conducting the physical line-up, and shall be permitted to review the front portion of the card. At this point, the physical line-up will be presumed to have been concluded.
- (16) At all times during the Physical Lineup procedure, the status of the attorney representing the target subject (if any) shall be that of an observer only.

104.45 Persons Held for Colorado State Parole

Procedure for jailing persons held in custody by a Colorado State Parole Officer:

- (1) Denver Police officers are authorized to transport to and incarcerate in the Detention Center, any person being held in the custody of a State Parole Officer.

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- (2) The parole officer will complete two forms, Denver Sheriff's Department Form 38 and State of Colorado Form PD 3-9, and turn them over to the Denver Police officer with the prisoner.
- (3) Police officers shall then deliver the prisoner and the two completed forms directly to the Detention Center.

104.46 Night Club Occupancy Regulations - Enforcement

- (1) Any officer, who receives a call concerning overcrowding, or finds possible violations relating to occupancy, shall advise the Denver Fire dispatcher at 720-913-2400. Fire Dispatch will then determine the appropriate Fire Department response according to the time of day and geographic location. The officer will also advise Denver 911 police dispatch of their activity and location.
- (2) The initial officer will also send a letter to the Vice and Narcotics Control Section stating the name and location of the establishment, the date and time of the incident, name, address and date of birth of the manager, owner or party responsible for the establishment at the time of the incident; as well as the name, address and date of birth of the doorman, bartender and any employees involved in the operation of the establishment at the time of the incident.
This letter should contain any and all perceived violations he or she observed; the name of the Fire Department investigating officer and what action was taken. The Vice and Narcotics Control Section will follow-up with Excise and License and take any further police action deemed appropriate.
- (3) Officers should not issue summons in any case for occupancy violations unless requested to do so by Fire Department or Building Department Inspectors.
- (4) Officers shall not advise business operators to install dead bolt locks on exit doors for security.

104.47 Arrest of Bail Bond Fugitives

- (1) Officers shall not assist bail bond personnel in apprehending a bond principal UNLESS:
 - a. A valid warrant issued by the court has been processed, an official pick-up placed in the Identification Section and entered into the CCIC computer system. See OMS 104.09(3), or
 - b. The computer printout containing information about an existing warrant in a jurisdiction other than the City and County of Denver has been verified by Identification Section personnel and this action noted on the printout. See OMS 104.01(20), or
 - c. Circumstances surrounding the activity amount to probable cause for an arrest
- (2) Officers shall not assist bond personnel in the arrest of a bond principal simply because there is a belief that the bond principal may leave the jurisdiction of the Denver court before satisfying the conditions of the bond.
- (3) The rules involving search and seizure are the same when assisting bail bond personnel as in any other arrest situation. Officers shall not extend any special "stand-by" privilege to bail bond personnel that would not be extended to any other citizens.
- (4) Officers shall notify a supervisor on any call where officers are unable to assist the bond personnel due to lack of a warrant or probable cause.
- (5) supervisor must respond to the scene if there is any information that bail bond personnel are acting outside the scope of their authority or violating the law.

104.48 Protective Custody

- (1) "When a person is intoxicated or incapacitated by alcohol and clearly dangerous to the health and safety of himself, herself or others, he or she shall be taken into protective custody by law enforcement authorities or an emergency service patrol, acting with probable cause, and placed in an approved treatment facility ... A taking into protective custody under this section is not an arrest, and no entry or other record shall be made to indicate that the person has been arrested or charged with a crime..." C.R.S. §27-81-111
 - a. No person detained or taken into protective custody for commitment to a detoxification facility shall, at any time, be listed on any police document of official action as having been arrested nor shall the fact of such detention or protective custody be released to anyone outside the Denver Police Department.
 - b. In order to take an individual into protective custody under this section, an officer must have probable cause to believe that the person is sufficiently intoxicated as to be a danger to himself, herself or others, given the totality of the circumstances.

- (2) "A law enforcement officer or emergency service patrol officer, in detaining the person, is taking him or her into protective custody. In so doing, the detaining officers may protect himself or herself by reasonable methods, but shall make every reasonable effort to protect the detainee's health and safety." C.R.S. §27-81-111
- (3) When an officer takes a person who is intoxicated or incapacitated into protective custody, the officer shall:
- Request the Detox van via the dispatcher on the officer's primary channel. The officer will then switch to the service channel and give the subject's name and date of birth, and the location from which the subject was transported, to the service channel operator. The van will then transport the person to the appropriate facility.
 - Should the officer decide to transport the subject in his/her police vehicle, the officer shall advise the dispatcher of the transport on the primary channel, then switch to the service channel and give the subject's name and date of birth, and the location from which the subject was transported, to the service channel dispatcher.
 - If the intoxicated person is injured or otherwise in need of medical attention, the officer shall call for an ambulance rather than the van. Additionally, persons in wheelchairs cannot be transported in the van and must be transported by ambulance to the appropriate facility.
 - Complete a street check, ensuring that the individual's specific behaviors are documented in order to verify that probable cause did in fact exist.
- (4) Any officer acting in good faith who believes that a person is mentally ill or mentally deficient (this would include an aged person who is perhaps senile and confused) and that person is apt to injure or endanger himself or others if allowed to remain at liberty, may take such person into custody.
- Suspected mentally ill persons will be processed as directed in OMS 104.30.
 - Aged, senile, disoriented persons who are walk-aways from nursing homes or other shelters may be returned to these shelters if possible. If not, the officer should take the person to Denver Health Medical Center, NOT TO JAIL. A Sick and Injured Report, DPD 150 will be completed by the officer. One copy is to be left at the Admissions Desk and the other is to be forwarded to the Missing Persons Unit.

104.49 Elderly/Disabled Persons/Persons with Disabilities

- (1) Definitions
- Disabled condition - the condition of being unconscious, semiconscious, incoherent or otherwise incapacitated to communicate. C.R.S. §25-20-102
 - person - a person in a disabled condition. C.R.S. § 25-20-102
 - Elderly - a person who is sixty years of age or older. C.R.S. §16-1-104
 - Person with a disability - any person who: C.R.S. §18-6.5-102
 - Is impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness; or
 - Is unable to walk, see, hear, or speak; or
 - Is unable to breath without mechanical assistance; or
 - Is developmentally disabled as defined in C.R.S. §27-10.5-102; or
 - Is mentally ill as the term is defined in C.R.S. §27-10-102; or
 - Is mentally impaired as defined in C.R.S. §24-34-301; or
 - Is blind as defined in C.R.S. §26-2-103; or
 - Is receiving care and treatment for a developmental disability under C.R.S. §27-10.5
- (2) The age or disability of the victim or witness shall not be a factor in determining whether to file a General Occurrence (GO) Report or proceed with an investigation.

- (3) Incidents involving elderly persons
 - a. When a primary caregiver is arrested or unavailable, the officer shall attempt to locate temporary attendant care, such as a friend or relative. If such care is not available, the officer shall notify Denver 911 to contact a Victim Assistance Team Member (V.A.T.). The officer shall remain at the scene pending arrival of V.A.T. The V.A.T. member will arrange for emergency attendant care following the Denver Interagency protocol for crime victims who are older or who have a disability.
 - b. If an officer believes that an elderly or disabled person is not receiving adequate care, either through neglect or failure to provide services, the officer shall document his observations and concerns on Inter-Department Correspondence, DPD 200, and forward a copy via inter-departmental mail to the Denver Department of Social Services, Adult Services.
- (4) Disabled persons who are ill or being arrested
 - a. Officers often encounter individuals who are unconscious, semiconscious, incoherent, or otherwise incapacitated and unable to communicate. Diabetes, epilepsy, cardiac conditions, allergies, and other physical illnesses can cause temporary blackouts, periods of semi-consciousness or unconsciousness.
 - b. An officer shall make a reasonable search for an identifying device (bracelet, necklace, metal tag, or similar item), which contains emergency medical information. This information may also be found on a Colorado driver's license. Whenever feasible, this effort shall be made before the person is charged with a crime or taken to a place of detention.
 - c. If there is reason to believe that a disabled person is suffering from an illness causing the condition, the officer shall promptly notify the person's physician, if practicable.
 - d. If an officer is unable to ascertain the physician's identity or to communicate with him, the officer shall have the disabled person immediately transported to Denver Health Medical Center. See OMS 102.09.
- (5) Persons with disabilities
 - a. The Americans with Disabilities Act (ADA) requires that the Denver Police Department make it possible for persons with disabilities to participate in or benefit from services, programs, and activities. They should not be treated differently, just because of their disabilities.
 - b. Hearing Impaired Persons
 - 1. The Denver Police Department must have available auxiliary aids and services for persons who are hearing impaired. Auxiliary aids and services include qualified interpreters, computer aided note taking, written materials, and note pad and pen. The Department must give a hearing impaired individual the opportunity to request the auxiliary aid or service of his or her choice and will give primary consideration to the expressed choice of the individual, unless it can be demonstrated that another effective means of communication exists or that use of the means chosen would result in undue financial and administrative burdens.
 - 2. Hearing impaired victims, witnesses, or suspects
 - a. If an officer is able to communicate effectively by writing questions on a note pad and having the victim, witness, or suspect write his or her responses, then the officer may proceed with the interview in that manner. Anytime written communication is not effective, a qualified interpreter must be provided.
 - b. Interrogation of a hearing impaired suspect: If an officer cannot effectively inform a hearing impaired suspect of the Miranda warnings without the use of an interpreter, the officer must secure the services of a qualified interpreter. In these instances, officers must also obtain the services of a qualified interpreter prior to any interrogation whenever an interpreter is needed for effective communication.
 - 3. When used in a criminal investigation, all identifying information on the interpreter must be included in the officer's report. All written questions and responses must be treated as evidence and handled accordingly.
 - 4. Interpreters for the hearing impaired are available on a 24-hour basis and may be requested through the Denver 911.

104.50 Domestic Violence

- (1) Domestic violence crimes are like any other crimes. However, there are unique procedures that officers must follow in domestic violence cases.

- (2) The policy of the Denver Police Department is to view all domestic violence complaints as instances of alleged criminal conduct. Arrest, charging, and taking custody of the suspect(s) involved shall be deemed the most appropriate law enforcement response when officers determine that probable cause exists in domestic violence situations.
- (3) DOMESTIC VIOLENCE means “an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship”. “Domestic Violence” also includes any other crime against a person, against property, or any municipal ordinance violation against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. C.R.S. 18-6-800.3(1)
- a. “Intimate relationship” means relationships between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. C.R.S. §18-6-800.3(2)
 - b. “Unmarried couples” means persons who are, or have in the past, been involved in an ongoing intimate relationship. This definition includes same sex couples. Officers shall consider two people to be an “unmarried couple” if one or more of the following is true:
 1. They have dated more than once
 2. They have had sex
 3. They refer to each other as “boyfriend,” “girlfriend,” partner, or refer to each other with terms of endearment indicating a developing relationship
 - c. Other cases requiring a mandatory arrest and which shall be investigated by the Domestic Violence Unit will also include:
 1. Cases involving Harassment by Stalking (defined by C.R.S. §18-9-111), where the suspect appears to be pursuing a relationship with the victim
 2. Cases in which at-risk persons (defined in C.R.S. §18-6.5-102) are victimized by their primary caregivers
- (4) Domestic violence does not include violence between family members who are not in an intimate relationship (i.e. cousins, parent-child, siblings, etc.). This does NOT mean the perpetrator should not be arrested. These cases should be taken seriously. OMS 104.01 (10)
- (5) The standards for determining probable cause in domestic violence cases are the same as in other criminal actions.
- a. To the extent possible and to the extent allowed by current law, domestic violence perpetrated by a juvenile should be treated as seriously as the same act committed by an adult.
 - b. Probable cause cannot be based upon considerations such as the potential financial consequences of an arrest (for the suspect or victim), verbal assurances that the violence will cease, or speculation that a complainant may not appear in court to testify. Officers may not consider the profession, community standing, status, etc. of the suspect in determining probable cause
 - c. When weighing the issues of probable cause officers must keep in mind Injuries, though present, may not be readily visible
 1. Victims of domestic violence may not show the “expected” emotional response. Some of the specific behaviors that may seem inconsistent to the officer include lack of appropriate emotional response, non-cooperation, laughter, minimization/denial, irrationality, anger, aggression, and/or hysteria.
 2. In some situations, the victim’s willingness to sign a complaint may be the sole basis for probable cause, absent contradictory evidence. However, it is not necessary for the victim to sign a complaint if the officer has probable cause to believe the offense occurred. A peace officer shall not be held civilly or criminally liable for acting pursuant to the domestic violence laws if the peace officer acts in good faith and without malice. C.R.S. §18-6-803.6(5). Officers will arrest the predominant physical aggressor:
 3. Arresting both parties is considered the least appropriate response.
 4. If a peace officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider the following:

5. Any prior complaints of domestic violence;
6. The relative severity of the injuries inflicted on each person;
7. The likelihood of future injury to each person; and
8. The possibility that one of the persons acted in self-defense
9. If an officer cannot determine who the predominant aggressor is, a supervisor shall respond to the scene to help in that determination. If a supervisor responds and determines both parties shall be arrested the supervisor will include the reasons for this decision in his/her statement.
- d. The following should NOT be considered alternatives to the mandatory arrest law (in other words, officers must also complete a domestic violence investigation in addition to the following):
 1. DETOX
 2. The existence of arrest warrants for either party
 3. Mental Health Holds
 4. New charges resulting from non-domestic violence-related criminal activity
- (6) If an officer has questions regarding this or any other domestic violence-related issue, the officer may call their supervisor or the Domestic Violence Investigations Unit (720) 913-6071.
If after hours, call a Denver 911 Supervisor at (720) 913-2012 and they will assist an officer with locating a detective.
- (7) When probable cause does exist, the officer shall arrest and charge the suspect(s) with the appropriate offense(s). Suspects may be charged through the City Attorney's Office for municipal ordinance violations or the District Attorney's Office for misdemeanors or felonies. More serious cases SHOULD ALWAYS be filed with the District Attorney's Office in State Court. The following criteria shall be used when determining what level to charge a case:
 - a. Level of injury to victim, more serious injuries, such as the following, should be completed on a General Occurrence (GO) report, DPD 250:
 1. Stitches
 2. Fractures, broken bones, dislocations, or internal injury
 3. Severe bruising or burns
 4. Loss of teeth or broken teeth
 5. Loss of consciousness
 6. Strangulation or asphyxiation
 7. Hospitalization or transport for medical treatment.
 8. Use of a deadly weapon with the intent to cause fear and/or bodily injury.
 - b. Violation(s) of protection order (if an officer determines that an active protection order is in place, any new domestic violence charges should be included on a General Occurrence (GO) report, DPD 250.)
 - c. Level of threat to victim during present incident as well as future risk to victim.
 - d. behavior should always be charged on a General Occurrence (GO) report, DPD 250.
 - e. Victim pregnancy - (a General Occurrence (GO) report, DPD 250, shall be completed on all cases with pregnant victim).
 - f. Intimidation of a witness is a STATE crime.
 - g. Perpetrator's criminal history.
 - h. Child Abuse/Child Endangerment.
 - i. At-Risk status of victim.
- (8) All domestic violence investigations will be of the same quality regardless of the court level at which they are filed.
- (9) All cases to be charged and filed with either the **District Attorney's Office** or the **City Attorney's Office** must include the following:
 - a. Written statements from the victim and key witnesses are always required.
 - b. Written statements from each individual responding or covering officers.
 - c. Still photographs (Digital or Crime Lab) will be taken of the victim, all visible injuries, property damage, and weapons used in an offense. The suspect will also be photographed (this is to document injury or lack of injury).

- d. Digital video and audio statements from the victim are required. This evidence may be used to identify injuries, identify the defendant, prove self-defense, identify property damage, etc.
- e. Digital video and audio statements from the children are required. (Officers may take the age of the child into consideration when taking a statement, but must document such use of discretion in their statement).
- f. If a defendant is not present, obtain any (current) existing photo of the defendant. Use the photo to obtain identification of the suspect by the victim. An officer will ask the victim to sign the photo indicating that the photo is of the suspect in the reported crime.
- g. A complete Neighborhood Survey. (Officers will take a statement if witnesses are located).
- h. A Domestic Violence Case Summary is to be completed regardless of the type of incident (property crime, protection order violation, City Attorney case, District Attorney case, Sexual Assault, etc.).
- i. All evidence associated with this case shall be photographed and collected.
- j. All evidence shall be placed in the Property Management Bureau. A copy of the invoice must be included in the packet and the property invoice number included on the GSS&C as well as the GD/GW number included on the property invoice.
- k. A statement of probable cause will include a description of the actions of the defendant, the elements of the charged offense, and the name and DOB of the victim.
- l. The investigating officer will include a detailed written statement specifying the actions of the suspect and the victim during and leading up to the charged offense and document the emotional condition of the victim and suspect and any spontaneous statements they make.
- m. When filing with the City Attorney's Office:
 1. Fill out either a General Session Summons & Complaint (GSS&C), when arresting the suspect outright or a General Session Summons & Complaint Warrant (GW-warrant), when issuing a municipal warrant.
 2. The officer must check the "domestic violence" box on the appropriate form (GSS&C or GW).
 3. When filing on a General Sessions Summons & Complaint Warrant (GW-warrant) place all the appropriate paperwork in the Document Pack for Municipal Cases, DPD 504. Then attach it to the GW-warrant before placing it in the GW-warrant routing envelope (do not send the packet to the domestic violence unit, but put it in the mail to the ID Bureau).
- n. When filing with the District Attorney's Office:
 1. When a warrant is to be issued for either a felony or misdemeanor, complete a General Occurrence (GO) report, DPD 250, and with the aforementioned paper work, OMS 104.50 (9), forward it to the Records Section.
 2. When making a misdemeanor or felony arrest complete a General Occurrence (GO) report, DPD 250, Felony or Misdemeanor PA, and Probable Cause Statement and with the aforementioned paper work, OMS 104.50(9), forward it to the Records Section.

(10) The following charges are ALWAYS filed with the District Attorney's Office. Due to their nature, they have specific requirements:

- a. **First Degree Assault** (CRS §18-3-202, a class 3 Felony) or **Second Degree Assault** (CRS 18-3-203, a class 4 Felony) –
 1. Is Serious Bodily Injury Present? If yes, obtain an SBI report from the attending physician (an officer may leave it with the doctor if they obtain his or her name and include that in their written statement).
 2. Collect *any* weapon used in the assault.
 3. Obtain a *HIPPA* compliant medical release from the victim.
 4. Attempt to ascertain any history of domestic violence (this can be documented on the Domestic Violence Case Summary, DPD 385).
- b. **Felony Criminal Mischief** (CRS §18-4-501, a class 4 Felony if the damage is between \$1,000.00 and \$20,000) -
 1. Obtain a verbal estimate of the damage from the victim and advise them to obtain a written estimate for the prosecutor.
 2. Take photos (digital or Crime Lab) of the damage.

- c. **Stalking** (CRS §18-9-111, a class 5 Felony for the first offense) –
 - 1. Collect all letters, email, journals, phone messages, audiotapes, or other evidence the victim may have, and place them into evidence.
 - 2. Obtain a copy of any existing protective order.
 - 3. Contact neighbors or co-workers as many of them may have relevant information regarding the suspect or behavior.
 - 4. Statement from victim to include information on credible threat and/or severe emotional distress (change in victim's life; counseling, sleeplessness, fear, etc...).
 - d. **Second Degree Kidnapping** (CRS §18-3-302, a class 4 Felony) -
 - 1. Obtain a detailed statement from the victim (make sure to ask whether there was any sexual assault or sexual contact as this is common in kidnapping cases).
 - 2. Officers should **describe how** the victim was moved (an example would be the force or coercion a suspect used to force movement).
 - 3. Officers will describe the victim's demeanor.
 - 4. Officers should remember to describe the circumstances which may have made a kidnapping easier (i.e. high heels, clothing, holding a baby, etc) and also the circumstances of the location (was the victim in a busy street or secluded location, was the victim coerced by embarrassment in front of co-workers, etc).
 - e. **Sexual Assault** (CRS §18-3-402) –
 - 1. All Sex Assault cases are to be handled according to OMS 301.23. The following information should be considered as additional steps and officer should consider in domestic violence sexual assault cases.
 - 2. Locate outcry witnesses.
 - 3. Ask the victim about prior domestic violence incidents.
 - 4. Obtain a *HIPPA* compliant release of medical records form from the victim (located on the back of the Domestic Violence Case Summary).
 - 5. Determine whether drugs or alcohol were any part of the incident.
 - 6. Ask the victim if the suspect has made any contact since the assault. If the answer is yes, document what the suspect said or did.
- (11) Juvenile suspects
- a. Juveniles arrested for domestic violence, as defined in OMS 104.50(2), will be handled using state charges and a General Occurrence (GO) report, DPD 250.
 - b. A Domestic Violence Case Summary is required.
 - c. The juvenile suspect will be processed per Juvenile Intake procedures.
- (12) Arrest Procedures for Domestic Violence Incidents
- a. It is NOT necessary for the victim to agree to press any charges. However, whenever an arrest is made, the victim must be listed as a witness in any notes the officer makes.
 - b. When city ordinance violations are appropriate, the Domestic Violence Case Summary, DPD 385, shall be completed and attached to the City Attorney's Copy of the General Session Summons and Complaint. Relevant statements made by the parties involved should be included in the reports submitted. Officers should also describe the emotional state of the party making the statement.
 - c. In cases where a General Occurrence (GO) report, DPD 250, is required, the officer shall complete the Domestic Violence Case Summary, an officer statement, and take statements from the victim and any witnesses on DPD 366. The statements are to be forwarded to the Domestic Violence Bureau, Major Crimes Division, via inter-departmental mail.
 - d. All forms must be completely filled out with as much detail as possible, including:
 - 1. Complete addresses (apartment number, etc.) of victims and all witnesses.
 - 2. A second permanent address and telephone number of the victim (such as address of a close family member or friend) since many victims will relocate before the case comes to trial.
 - 3. If children are present, include their full names, addresses, and DOBs.
 - 4. Child Abuse charges to be added if:
 - a. Determined children are in the room when violence occurred.
 - b. Determined children are in danger of physical injury or harm due to the violence at hand.

e. **On all Domestic Violence felony arrests**, the victim assistance on call person will be called out.

(13) In calls for police assistance involving domestic violence, officers should advise the victim of assistance services available from both public and private agencies.

(14) When a person involved in a domestic violence incident requests police assistance in removing a reasonable amount of personal property to another location, officers shall remain at the scene for a reasonable amount of time to make certain the property is removed without interference.

(15) An officer is authorized to use every reasonable means to protect the alleged victim or victim's children to prevent further violence, including the provision of transportation to a shelter or other location within a reasonable distance for those domestic violence victims fearful of their safety. The Denver Police Cab Voucher Program may also be used for this purpose.

(16) If the District Attorney declines to file state charges, but there is probable cause to believe that a municipal ordinance violation occurred, a General Session Summons & Complaint or General Session Summons & Complaint/Warrant will be completed by the detective. If the suspect is a juvenile, the detective will complete and serve a Juvenile Summons & Complaint/Warrant. Copies of the General Occurrence (GO) report, DPD 250, and any other reports will be attached to the City Attorney's copy of the appropriate form.

(17) Domestic violence incidents with an officer or sheriff is the suspect.

a. It is the policy of the Denver Police Department that criminal acts involving domestic violence shall be handled in the same manner as other alleged criminal acts believed to have been committed by a Denver Police Officer. When a Denver police officer, Denver Sheriff, or any other law enforcement officer is a suspect in a domestic violence incident occurring within the City and County of Denver, the officer will be processed and incarcerated in the same manner as any other citizen, using the following guidelines.

b. Suspect officer/sheriff at the scene:

1. Upon determining there is probable cause to believe a crime has occurred and a Denver Police Officer, Denver Sheriff, or any other law enforcement officer is the alleged suspect, the officer/sheriff will be detained at the scene by the highest ranking officer present and the Internal Affairs Bureau notified.
2. Upon the arrival of a command officer from the Internal Affairs Bureau, the suspect will be advised of his/her Miranda rights, arrested and charged appropriately by the Internal Affairs Bureau command officer.
3. The suspect officer or sheriff will then be taken to the Detention Center and arraigned by a judge at the next available opportunity.
4. The Internal Affairs Bureau command officer will offer the suspect officer or sheriff the assistance of the employee organizations, Psychological Services, and Peer Support.
5. The suspect officer or sheriff's chain of command will be immediately notified of the incident.
6. While at the scene, the investigating Internal Affairs Bureau commander shall offer the victim the services of the Denver Police Department Victim Assistance Unit and encourage the victim to use this resource. The commander shall make immediate telephone contact between the victim and the Victim Assistance Unit Director. If the victim should refuse to discuss the situation with the Victim Assistance Director, the commander will inform the Director of the details of the incident. A copy of the General Occurrence (GO) report, DPD 250, or GSS&C completed for the incident should be forwarded to the Victim Assistance Unit Director by the next business day.

c. Suspect officer or sheriff no longer at the scene:

1. A command officer from the Internal Affairs Bureau shall conduct and supervise the investigation. If probable cause is established, a GSS&C/Warrant or Probable Cause Warrant shall be obtained.
2. Every reasonable effort will be made to locate the suspect officer/sheriff.
3. When the officer/sheriff is located, a command officer from the Internal Affairs Bureau, or his designee, will immediately serve the officer/sheriff with the warrant and jail the officer/sheriff, with processing as indicated by the warrant.
4. The officer's or sheriff's chain of command and Deputy Chief will then be notified by the Internal Affairs Bureau command officer.

5. While at the scene, the investigating Internal Affairs Bureau commander shall offer the victim the services of the Denver Police Department Victim Assistance Unit and encourage the victim to use this resource. The commander shall make immediate telephone contact between the victim and the Victim Assistance Unit Director.

If the victim should refuse to discuss the situation with the Victim Assistance Director, the commander will inform the Director of the details of the incident. A copy of the General Occurrence (GO) report, DPD 250, or GSS&C completed for the incident should be forwarded to the Victim Assistance Unit Director by the next business day.

- d. Any Denver Police Officer, who witnesses or has firsthand knowledge of a domestic violence incident involving another Denver Police Officer or Denver Sheriff, regardless of jurisdiction of occurrence, must report that incident. See Duties and Responsibilities of Personnel, OMS 3.05.
 1. The reporting officer shall notify his commanding officer through the chain of command. The reporting officer's or sheriff's commander, after being notified, shall immediately notify a command officer within the Internal Affairs Bureau.
 2. If off-duty, the reporting officer will notify Denver 911, which will notify the Internal Affairs Bureau.
 3. Officers who witness or have firsthand knowledge of a domestic violence incident involving a Denver Police officer or sheriff as the alleged suspect, and who fail to officially report this information, shall be subject to departmental discipline, regardless of the jurisdiction of occurrence of the alleged incident.
- e. The Internal Affairs Bureau will conduct any criminal investigations concerning Denver Police Officers, Denver Sheriffs, or any law enforcement officer alleged to be involved in domestic violence incidents within the City and County of Denver. The Major Crimes Division, at the request of the Internal Affairs Bureau, will provide appropriate assistance in the investigations.
 1. If probable cause exists to believe an incident of domestic violence involving a Denver Police Officer, Denver Sheriffs, or any law enforcement officer has occurred, a command officer from the Internal Affairs Bureau shall be notified immediately. If the incident has occurred within the past twenty-four hours within the City and County of Denver, the Internal Affairs Bureau commander shall respond to the scene or to the location of the victim.
 2. If an alleged incident of domestic violence involving a Denver Police Officer or Denver Sheriff occurs outside the City and County of Denver, the Internal Affairs Bureau will assist the outside investigating agency however possible. The Internal Affairs Bureau will also initiate an internal investigation regarding possible administrative charges associated with the alleged incident.
- f. Officers or sheriffs who are alleged suspects in domestic violence incidents may avail themselves of departmental resources such as the Peer Support Program, the Police Department Psychologist, or the Chaplain Program. These resources, or others with which an officer is familiar, are available outside the scope of any other departmental or criminal action.

(18) Officers Subject to a Domestic Violence Restraining Order:

- a. Any sworn member of the Denver Police Department who is the subject of a protection order arising out of a domestic violence situation is ordered to provide a copy of that order to the Internal Affairs Bureau within 24 hours of the receipt of the restraining order.
- b. This provision does not apply to the mutual protection orders automatically issued in the filing of routine divorce cases; it only applies to those orders issued due to incidents involving allegations relating to domestic violence.
- c. When an officer appears at the Internal Affairs Bureau with a protection order, an Internal Affairs Bureau supervisor will review the order to determine if it meets the criteria under the Federal Crime Bill. If the order satisfies the criteria, the officer will be served a document advising him/her of the crime bill restrictions.

(19) Physician Reporting of Domestic Violence:

- a. Denver 911 personnel shall dispatch a police officer to a report of domestic violence irrespective of the victim's willingness to report the incident, the jurisdiction in which the incident occurred, or the lack of information on the part of the physician or physician's staff placing the call.
- b. Officers responding to a physician's office to take a report of a domestic violence incident for which the Denver Police Department has jurisdiction, shall follow established procedures.

- c. If the available information is insufficient to determine the presence of a crime or the jurisdiction, a General Occurrence report, titled "Letter to Detectives" will be completed and forwarded to the Domestic Violence Bureau for investigation.
- d. Where Denver does not have jurisdiction, the details will be forwarded to the appropriate jurisdiction for disposition

104.51 Arrests in Liquor Licensed Establishments

- (1) When persons are ordered-in or arrested in bars, taverns, liquor licensed establishments, the arresting officer will report this fact to the Vice/Drug Control Bureau on DPD 200, Inter-Department Correspondence. The officer will state the name and address of the person arrested or ordered-in, the violation for which the arrest or order-in was made, and the name and address of the establishment in which the arrest or order-in took place. See OMS 304.02(2)a2, General Rules and Regulations Governing Liquor Outlets.

104.52 Arrest/Detention of Foreign Nationals

- (1) Whenever any foreign national is arrested or detained, the arresting officer will determine the arrestee's country of citizenship and whether the arrestee wants his embassy to be notified.
- (2) The arresting officer will then contact the Identification Section and provide that information plus the arrestee's full name and date of birth.
 - a. Identification Section personnel will consult the embassy notification list provided by the U.S. State Department. If the arrestee is a citizen of a country requiring mandatory notification, Identification Section personnel will make the notification.
 - b. If the foreign national requests the notification, it will be made.
 - c. If the arrestee's country of citizenship does not require mandatory notification and if the arrestee does not want notice given, no further information is necessary except that the arresting officer will note this information on the arrest documents.
 - d. The Identification Section will keep a record of all such foreign embassy notifications.
- (3) Undocumented immigrants (includes illegal and "undocumented aliens" as referred to in the Federal Immigration and Naturalization act).
 - a. The responsibility for enforcement of immigration laws rests with the Bureau of Immigration and Customs Enforcement (B.I.C.E.). Denver Police officers shall not initiate police actions with the primary objective of discovering the immigration status of a person.
 - b. Generally, officers will not detain, arrest, or take enforcement action against a person solely because he/she is suspected of being an undocumented immigrant. If enforcement action is deemed necessary under these circumstances, the approval of an on duty supervisor or commander is required. In addition, as soon as is practical the commander of the involved officer shall be notified.
(The original section c. has been deleted. Revised 11-2011)
 - c. The charge "Hold For Immigration" will be lodged against a prisoner only when a warrant has been issued by the U.S. Department of Justice, or an agency thereof, and then only when the warrant is on an immigration matter.
 - d. Physical evidence pertaining to immigration violations shall be placed in the Property Management Bureau as evidence when there is no arrest made. A letter detailing the circumstances of the recovery of the property and the property invoice number shall be sent to the commander of the Major Crimes Division for disposition.
 - e. All questions pertaining to the handling of immigration related cases shall be directed to the officer's supervisor and/or commanding officer. In addition, the commander of the Civil Liability Bureau is available for guidance regarding enforcement and non-enforcement immigration matters.

104.53 Nuisance Abatement (Revised 08-2010)

- (1) It is the policy of the Denver Police Department that real property and vehicles upon which Public Nuisance activity, as defined by Denver Revised Municipal Code (D.R.M.C) section 37-50 and C.R.S. §16-13-303, is occurring be investigated using sound investigative practices, in a manner consistent with the goal of abating the activity.

- a. Abatement of criminal activity occurring at **real** properties may be obtained through the following means, in order of preference:
 - 1. Intervention and resolution by the District Officer, Neighborhood Police Officer, or Community Resource Officer
 - 2. Investigation by the NAU and voluntary compliance with an Abatement Plan
 - 3. Court action and seizure
- b. Because it is difficult to determine which nuisance situations will be abated through voluntary compliance, the following procedures and guidelines shall be followed. They are not all-inclusive and should be interpreted as minimal standards.

(2) Public Nuisance Defined

- a. Properties which are experiencing only health, zoning, or building violations are not public nuisance properties and should be referred to the appropriate City agency for inspection and follow-up. These properties may also be handled in a manner established by District or Bureau Commanders, consistent with community needs.
- b. A property or vehicle shall be referred to the Nuisance Abatement Unit for investigation as a public nuisance when one or more of the following illegal activities occurs, regardless of whether the person engaged in the activity is a patron, employee, owner, resident, occupant, guest, or visitor.
 - 1. Prostitution as defined by C.R.S. §18-7-201; soliciting for prostitution, as defined by C.R.S. §18-7-202; pandering as defined by C.R.S. §18-7-203; keeping a place of prostitution as defined by C.R.S. §18-7-204; or pimping as defined by C.R.S. §18-7-206.
 - 2. Professional gambling as defined by C.R.S. §18-10-102(8), maintaining a gambling premises as defined by C.R.S. §18-10-102(5), or keeping of a gambling device or record as defined by C.R.S. §18-10-102(7).
 - 3. Unlawful manufacture, cultivation, growth, production, processing, sale, distribution, storage, use, or possession of any controlled substance, as defined by C.R.S. §18-18-102, §18-18-104, §18-18-404, §18-18-405 or §18-18-406; any imitation controlled substance as defined by C.R.S. §18-18-420(3), §18-18-421 or §18-18-422; or any counterfeit controlled substance as defined by C.R.S. §18-18-423, except for simple possession of less than eight (8) ounces of marijuana.
 - 4. Felony or misdemeanor theft by receiving as defined by C.R.S. §18-4-410.
 - 5. Unlawful manufacture, sale, advertisement, or distribution of drug paraphernalia as defined by C.R.S. §18-18-426, C.R.S. §18-18-427, C.R.S. §18-18-429 and C.R.S. §18-18-430.
 - 6. Prostitution of a child as defined by C.R.S. §18-7-401; soliciting for child prostitution as defined by C.R.S. §18-7-402; pandering of a child as defined by C.R.S. §18-7-403; keeping a place of child prostitution as defined by C.R.S. §18-7-404; pimping of a child as defined by C.R.S. §18-7-405; or inducement of child prostitution as defined by C.R.S. §18-7-405.5.
 - 7. Sexual exploitation of children as defined by C.R.S. §18-6-403.
 - 8. Two or more signed complaints of disturbing the peace as defined by Denver Revised Municipal Code (D.R.M.C) section 38-89 within a 180-day period.
 - 9. Unlawful discharge, possession, carrying, flourishing, concealment, storage, use or sale of firearms, knives and/or assault weapons, dangerous weapons, or defaced firearms as defined by Denver Revised Municipal Code (D.R.M.C) sections 38-117, 38-119, 38-121, 38-122, and 38-130, and C.R.S. §18-12-102, C.R.S. §18-12-103, C.R.S. §18-12-105, C.R.S. §18-12-106, and C.R.S. §18-12-108; or any offense relating to incendiary devices as defined by C.R.S. §18-12-109 or Denver Revised Municipal Code (D.R.M.C) Section 38-126.
 - 10. Any gang-related criminal activity.
 - 11. Any drive-by crime as defined by C.R.S. §16-13-301.
 - 12. Four (4) or more offenses within any 180 day period of selling, serving, giving away, disposing of, exchanging, delivering, or permitting the sale, serving, giving or procuring of any malt, vinous, or spirituous liquor, or fermented malt beverage, to or for any person under lawful age or to a visibly intoxicated person, as prohibited by C.R.S. §12-47-128(1)(a) and C.R.S. §12-46-112(1)(b)(I). However, if a person who, in fact, is not of lawful age exhibits a fraudulent proof of age, the selling, serving, procuring, giving away or dispensing of beverages to that person shall not constitute a public nuisance.

13. The sale at retail of any malt, vinous, or spirituous liquors, or fermented malt beverages in sealed containers, or the manufacture, sale or possession for sale of any malt, vinous, or spirituous liquors, without holding a valid license in full force and effect to do so under Title 12, Article 47, and as defined by C.R.S. §12-47-128(f), (g), and □ C.R.S. §12-46-112(1)(f).
14. The unlawful transportation or storage of any property that is the subject of a felony theft, misdemeanor theft, or theft by receiving under C.R.S. Title 18.
15. The storage or concealment of weapons or tools used in the commission of crimes of violence as defined by C.R.S. §□16-11-309, drive-by offenses as defined by C.R.S. §16-13-301 or any offense in paragraph (9) above.
16. Possession of injection devices as defined by Denver Revised Municipal Code (D.R.M.C) section 38-173.
17. Two or more signed disturbance complaints of prohibited noises as defined by Denver Revised Municipal Code (D.R.M.C) section 38-101, within an 180-day period.
18. Sexual assaults or attempted sexual assaults, C.R.S. sections 18-2-101, 18-3-402, 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5; or
19. Indecent exposure, C.R.S. section 18-7-302
20. Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances, to C.R.S. § 18-18-411; or the unlawful possession of materials to make amphetamine and methamphetamine, to C.R.S. § 18-18-412.5; or, the unlawful sale or distribution of materials to manufacture controlled substances, C.R.S. § 18-18-412.7; or possession of one or more chemicals or supplies or equipment with intent to manufacture a controlled substance, C.R.S. § 18-18-405; or
21. Criminal mischief where the aggregate damage exceeds \$1,000.00, C.R.S. section 18-4-501.
22. Vehicular eluding, C.R.S. section 18-9-116.5, or eluding or attempting to elude a police officer, C.R.S. section 42-4-1413;
23. Keeping, maintaining, controlling, renting or making available property for the unlawful operation of a medical marijuana dispensary without a license; DRMC chapter 24, Article XI, section 24-403.
24. Impersonation of a police officer; CRS 18-8-112; DRMC chapter 38, Article II, section 38-33.
25. Illegal dumping; DRMC chapter 48, Article IV, section 48-44 or; Unlawful disposal of trash in certain containers; DRMC chapter 48, Article IV, section 48-44.5.

(3) Investigative Responsibility

- a. The primary unit charged with the investigation of Public Nuisance violations is the Nuisance Abatement Unit.
- b. Detectives from the Vice/Narcotics Bureau, District Narcotics Unit, and Community Resource Officers from each District will be responsible for certain investigations of public nuisance activities and will work in conjunction with the Department's Nuisance Abatement Unit.
- c. Vice/Drug Control Bureau or District Narcotics Unit
 1. The Vice/Control Bureau or respective District Narcotics Unit investigates public nuisance activity involving the seizure and forfeiture of real property, money, vehicles, or other items. In these instances, personnel from the Vice/Drug Control Bureau or respective District Narcotics Unit shall handle all aspects of the public nuisance investigation from start to finish.
 2. Public nuisance investigations involving prostitution, problem bars and liquor establishments, and gambling may be referred to the Nuisance Abatement Unit for investigation even if no criminal charges are filed against individuals.
- d. District Community Resource Officers (CRO) will work in coordination with the Nuisance Abatement Unit to abate any Public Nuisance problems.

(4) Public Nuisances Involving Vehicles

- a. If any public nuisance violation occurs in a vehicle, the vehicle shall be impounded - Hold for Public Nuisance. During times when the Impound Facility is on emergency status discretion is left to the officer's supervisor whether the circumstances dictate overriding this provision and towing a vehicle is appropriate.

(5) Asset Seizure and Forfeiture

- a. The Denver District Attorney's Office, Property Confiscation Division is responsible for filing all forfeiture actions. The Denver District Attorney's Office, Property Confiscation Division shall provide guidance during all phases of forfeiture actions.
- b. Types of property subject to confiscation: (Generally, the minimum value of property submitted for a forfeiture filing must be \$1000.00 or more)
 1. Money: Currency and other financial assets which are proceeds of a crime, or intended to be used to facilitate a crime (e.g. bank accounts, CD's, stocks, savings bonds and etcetera).
 2. Real estate: May include houses, condominiums, town homes, businesses, etcetera, as well as the building's fixtures and contents.
 3. Vehicles: Those used in the commission of the crime, conducting, maintaining, aiding, or abetting the criminal activity, or which are proceeds of the crime.
 4. Personal property: Items used in conducting, maintaining, aiding, or abetting the criminal activity, or which are proceeds of the crime; bought with money earned from the crime (e.g. computers, high-end television sets, electronic equipment, bicycles and etcetera).
- c. Crimes for which property can be confiscated.
 1. Class 1 Public Nuisance (C.R.S. §16-13-303)
 - a. There must be proof by clear and convincing evidence the property to be forfeited was "instrumental" (i.e. a substantial connection between the property to be seized and the crime committed) in the commission or facilitation of a crime creating a public nuisance or the property constitutes traceable proceeds of the crime or related criminal activity.
 - b. For property to be forfeited, the law generally requires an owner of the property had knowledge or notice of the criminal activity, or prior similar activity.
 - c. There shall be an accompanying criminal filing on an owner of the property in most cases. Assigned detectives shall discuss with the District Attorney's Office, Property Confiscation Division for any exceptions to this rule (e.g. no one will claim the property, fugitive owner, dead owner, no innocent owner).
- d. Forfeiture Affidavit
 1. A forfeiture Affidavit shall be completed after meeting the criteria set forth in 104.53 (5) b. and 104.53 (5) c.
 - a. A "Stipulation for Entry of Judgment" (sign-over form) may be utilized in cases involving currency seizures of \$500 - \$3,000 where the suspect voluntarily agrees to sign over the currency at the time of arrest.
 - b. Even with a signed "Stipulation for Entry of Judgment," the assigned detective shall still need to complete a "Judgment and Order of Abatement and Forfeiture" and a "Complaint" to be presented with a copy of the case file to the Denver District Attorney's Office, Property Confiscation Division.
 2. Detectives shall submit the forfeiture Affidavit to the Denver District Attorney's Office, Property Confiscation Division, within twenty (20) days of the seizure of property, so as to enable the District Attorney to comply with the requirement for filing the case in court within sixty (60) days of seizure (the deadline runs from the seizure of the property, not the filing of the criminal case). The assigned detective shall send copies of ALL related paperwork with the forfeiture Affidavit, unless directed otherwise by the Denver District Attorney's Office, Property Confiscation Division.
 - a. Property held as evidence may be exempted from this requirement; however, the Denver District Attorney's Office, Property Confiscation Division, shall make this determination. This exception should not be relied upon due to the unpredictable timing of the conclusion of the criminal case.
 - b. The District Attorney should be notified immediately and provided a copy of the case and ownership information when real property may be a target of forfeiture, so that a "Notice of Seizure" may be filed with the Clerk and Recorder to prevent refinancing or sale of the property.

e. Service of Process

1. Each person with rights (or claim) to potentially forfeited property (generally those persons listed as defendants in the case caption) shall be served with a copy of the civil forfeiture case filing documents and an "Affidavit of Service" to be filled out and returned to the District Attorney's Office, Property Confiscation Division. The District Attorney's Office, Property Confiscation Division shall provide the assigned detective with the "Affidavit of Service" and packet of documents to be served. The assigned detective shall check to ensure each packet has complete copies of all of the documents listed on the "Affidavit of Service," so the detective can testify, if necessary, that complete copies were served. Generally the documents include but are not limited to:
 - a. Summons
 - b. Complaint
 - c. Affidavit of the Detective (forfeiture Affidavit)
 - d. Motion for Temporary Restraining Order (if applicable)
 - e. Temporary Restraining Order (if applicable)
 - f. District Civil Case Cover Sheet for Initial Pleading of Complaint
2. The assigned detective shall complete service to all named persons within thirty (30) days of receiving the "Affidavit of Service" packet from the Denver District Attorney's Office, Property Confiscation Division. Services which cannot be timely completed due to vacation, reassignment, or other unavailability of the assigned detective shall be reassigned by a supervisor.
 - a. If service cannot be made, the assigned detective shall prepare an "Affidavit in Support of Petition for Service by Publication." The affidavit will articulate the detective's diligent, good faith efforts to locate and serve the named parties.
 1. In cases involving a defendant with a related criminal case, a detective shall not complete an "Affidavit in Support of Petition for Service by Publication" unless the defendant failed to appear at the criminal action.
 2. If the defendant's first court appearance falls outside the thirty (30) day window for service, contact the Denver District Attorney's Office, Property Confiscation Division for direction.
 3. If the criminal case is over, contact the defendant's probation officer or correctional institution where defendant is an inmate to assist with completion of service
 - b. The "Affidavit in Support of Petition for Service by Publication" shall be forwarded to the Denver District Attorney's Office, Property Confiscation Division within forty-five (45) days from the day the forfeiture case was filed (or fifteen (15) days from the original thirty (30) day deadline for service).

f. Temporary Restraining Orders

1. In the absence of exigent circumstances where there is a compelling need to immediately close a property, defendants must be provided notice and an opportunity for a hearing before physically seizing a house or any other form of real property. The Denver District Attorney's Office, Property Confiscation Division shall make this determination.
2. The assigned detective shall coordinate with the Civil Division of the Denver Sheriff's Office to conduct the physical posting of the Temporary Restraining Order on the door(s) of said property.
 - a. Should the location be unoccupied, the assigned detective shall coordinate to have a locksmith allow officers entry.
 - b. If the property in question has been vacated by the defendant(s) or the location now contains a new, unrelated business, the Temporary Restraining Order posting is unnecessary as is the inventory search of the property. Notification shall be made immediately to the Denver District Attorney's Office, Property Confiscation Division in these instances.
3. The assigned detective shall read the Temporary Restraining Order thoroughly to determine exactly what the assigned detective can and cannot do.
 - a. Generally, the provisions of a Temporary Restraining Order allow for: posting the TRO on the premises, performing an inventory search of the property, placing currency and valuables into property and seizing evidence found in plain view.

4. Each named defendant at the location shall be served with a service packet and an "Affidavit of Service" to be completed and returned to the Denver District Attorney's Office, Property Confiscation Division. Defendants shall be advised they have ten (10) business days to request a hearing and twenty (20) business days to file an answer to the court; the defendants are not being evicted at the time of the Temporary Restraining Order service.
5. The assigned detective shall perform an inventory of the property, videotaping the contents of the property. Currency and valuable articles are to be placed into the Denver Police Property Bureau for safekeeping. The Temporary Restraining Order allows for the inventory of the entire property; thus evidentiary items discovered during the inventory may be seized.
 - a. Place all items recovered from the inventory search into them Denver Police Property Bureau with a copy of the Temporary Restraining Order. Report to the Denver District Attorney's Office, Property Confiscation Division any additional items seized.
 - b. A forfeiture Affidavit shall NOT be required for items seized during the service of the Temporary Restraining Order unless the assigned detective is instructed to do so by the Denver District Attorney's Office, Property Confiscation Division.

104.54 Narcotics Investigations and Immediate Entry Search Warrants

- (1) Policy It is the policy of the Denver Police Department that any request for an immediate entry search warrant shall be limited to reasonable concerns for either: (1) the safety of police officers, people who may be in or near the area, and the potential suspects; or, (2) the likelihood of destruction of evidence. To apply for an immediate entry search warrant, the affiant must conclude that there exists a reasonable suspicion that knocking and announcing the presence of the police would be dangerous or futile, or that it would inhibit effective investigation of the crime.
- (2) Definition
 - a. Immediate Entry Search Warrant - A warrant that does not require officers to make their presence known to the occupants of a building or residence prior to entry.
 - b. Knock and Announce Warrant - A warrant that requires officers to first knock on the outer entrance and announce their identity and intentions prior to entering a building or residence. Officers are permitted to forcibly enter if no response is received in a reasonable time or if there are indications the occupants are:
 1. Attempting to flee, or
 2. Destroying evidence or contraband, or
 3. Arming themselves
- (3) **Narcotics Detectives** - Narcotics detectives are the DPD experts in drug affidavits and search warrants. As such, their expertise must be fully utilized.
 - a. Narcotics Detectives as On-Call Experts - Narcotics detectives and supervisors are assigned and designated to serve as on-call liaison to all non-Narcotics Bureau personnel. Narcotics Bureau personnel are responsible for the following:
 1. To be readily available to respond and advise. Designated Narcotics detectives shall have pagers.
 2. To field all requests for technical assistance, including, but not limited to:
 - a. Use of confidential informants
 - b. Controlled purchases of narcotics
 - c. Affidavit and search warrant application
 - d. Execution of any search warrants
 - b. Narcotics detectives shall supervise the use of CIs in the following manner.
 1. Any officer or detective not assigned to the Narcotics Bureau, who wishes to utilize a CI as an investigative tool for a search warrant for drugs, must contact the appropriate Narcotics detective liaison.
 2. The Narcotics detective must supervise the officer and CI.
 3. The officer or detective and Narcotics detective must meet in-person with the CI.
 4. For controlled purchases or other direct investigation, the Narcotics detective must first approve the investigation and be present while it is conducted.

5. The officer or detective and Narcotics detective will assess pertinent factors to determine whether an immediate entry or a knock and announce warrant is most appropriate.
6. Should the investigation produce evidence to justify an application for an immediate entry search warrant, the Narcotics detective shall supervise the preparation of the affidavit and search warrant.
7. The Narcotics detective and affiant shall be present for the execution of the search warrant.

(4) Factors to support an Immediate Entry Search Warrant

- a. **Safety** - The primary and fundamental consideration is safety. An affiant must carefully evaluate the potential danger to:
 1. Police officers executing the search warrant
 2. Others who may be in the area when the search warrant is executed
 3. Occupants of the premises to be searched
 4. Suspects
- b. Additional Factors:
 1. Probability of Violence
 - a. The Criminal History of the intended target(s). The affiant must obtain a criminal history (NCIC, CCIC, and "Denver Rap Sheet") for any intended target(s), and evaluate:
 1. Prior arrest(s) for drug offenses (increasing the likelihood of destruction of evidence)
 2. Pending Felony Case(s)
 3. Prior arrest(s) for weapon offenses
 4. Prior arrest(s) for violence (assaults, threats, etc.)
 5. Prior arrest(s) for resistance or interference with police officers
 6. Prior arrest(s) for domestic violence related crimes
 7. arrest warrant(s) for escape
 - b. *Gang Affiliation*: If a suspect may have gang affiliation, the affiant must contact the DPD Gang Unit to determine the suspect's gang involvement.
 1. When a suspect is a known gang member the affiant should also research prior acts of violence by this suspect and the gang. Mere gang membership is not sufficient, standing alone, for an immediate entry warrant.
 - c. *Mental Health*: The affiant should investigate to determine whether the suspect has any history and documentation of mental health issues. This research should also include a determination of the suspect's prior history of drug and alcohol abuse.
 - d. *Ownership of Weapons*: The affiant should investigate whether the suspect(s) or others in the target location have purchased any firearms or other weapons.
 2. The Potential for the Destruction of Evidence - If there exists a real potential for the destruction of evidence, the affiant must articulate this concern.
 3. Assessment of the Intended Target Location - The affiant must evaluate:
 - a. The likelihood of the destruction of the evidence as the officers attempt to make entry
 - b. Potential threats and danger to neighbors, nearby businesses, and any schools in the area
 - c. Whether the intended location is fortified. This may include the use of surveillance equipment and the use of mail slots or drop boxes for transactions
 4. Type of Drugs and Business
 - a. *What is Being Sold?* The affiant must consider and evaluate the potential for the destruction of the drugs.
 - b. *Type of Business* - Sporadic relatively small quantity sales versus consistent heavy volume traffic versus infrequent sales of larger quantities
 5. Methods of Operation
 - a. The use of lookouts
 - b. Product sales techniques
 - c. Presence of weapons. Use or ready availability of firearms at the targeted location

- (5) **Procedure.** If, after carefully evaluating all safety concerns of a particular investigation, an officer is convinced that a request for an immediate entry search warrant is reasonable, then any officer may proceed, following the procedural requirements listed below. Any request for an immediate entry search warrant shall include the following.

- a. Review and Approval - All immediate entry search warrants must be reviewed before presented to a Judge. Although the review process varies, at a minimum, for all officers below the rank of Lieutenant, the approval and signature of the immediate supervisor and a DA is required before presentation to the Judge.
 - 1. Any request for an immediate entry search warrant should clearly state that it is a request for immediate entry. Any such request should include the following:
 - a. On the first line of the first page of the affidavit, in the center of the page, in bold type and in capital letters: AFFIDAVIT IN SUPPORT OF IMMEDIATE ENTRY SEARCH WARRANT.
 - b. A final paragraph with the heading in bold type and in all capital letters: BASES FOR THE REQUEST FOR IMMEDIATE ENTRY SEARCH WARRANT.
 - 1. Immediately following this heading, the affiant shall clearly detail factors supporting the request for an immediate entry warrant.
 - 2. Every search warrant that seeks an immediate entry should clearly state that the search warrant authorizes an immediate entry into the premises to be searched. Any such search warrant should include the following:
 - a. At the top, center, in bold type, and all capital letters on each page of the search warrant: IMMEDIATE ENTRY SEARCH WARRANT
 - b. Immediately preceding the authorizing judicial officer's signature, in bold type and all capital letters: IMMEDIATE ENTRY SEARCH WARRANT
 - c. The authorizing judicial signature placed in a clearly designated box, which states in bold type and all capital letters: IMMEDIATE ENTRY SEARCH WARRANT IS AUTHORIZED
 - 1. If the authorizing Judge finds probable cause to search, but that an immediate entry is not justified, the Judge may sign the search warrant, but not the immediate entry designation.
- (6) Application Process for an Immediate Entry Search Warrant
- a. **Officers/detectives NOT assigned to the Narcotics Bureau** seeking an Immediate Entry Search Warrant may apply through the following procedure.
 - 1. When investigating a felony drug offense, requires:
 - a. Immediate supervisor review of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally acceptable to the supervisor, he/she shall approve the documents by placing signature, badge number, date, and time on the final page of the affidavit.
 - b. The officer/detective and supervisor must then present a hard copy of the affidavit and warrant to the appropriate Narcotics detective.
 - c. The assigned Narcotics detectives will review hard copies of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally acceptable, the narcotic detective will approve by signature, badge number, date, and time on the final page of the affidavit.
 - 1. If the affidavit or warrant is found to be deficient by the assigned Narcotics detective, the application shall be halted until corrections are made. The detective must note the deficiencies and/or recommendations for further investigation on the back of the first page of the affidavit along with his/her name, badge number, date, and time. If the affidavit and proposed search warrant are re-submitted after corrections, the officer must re-submit the refused and revised documents to the same Narcotics detective.
 - d. After the signed approval of the immediate supervisor and the Narcotics detective, the officer shall present hard copies of the affidavit and search warrant to a designated "Warrant DA."
 - 1. The "Warrant DA" shall carefully review hard copies of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally sufficient, the reviewing DA shall approve the same by signing, dating, listing the time, and registration number on the last page of the affidavit.
 - a. If the affidavit or warrant is found to be deficient by the "Warrant DA," the application shall be halted until appropriate corrections are made. The "Warrant DA" must note the deficiencies and/or recommendations for further investigation on the back of the first page of the affidavit along with his/her name, date, and time.

- b. After making the necessary corrections, prior to re-submission to the "Warrant DA," the affiant must give the refused and revised documents to the same Narcotics detective who gave prior approval. Additionally, the affiant and the same Narcotics detective must obtain the approval of the immediate supervisor of that Narcotics detective, before re-submission of the documents to the "Warrant DA."
 - c. After the necessary corrections are made, and approved by the Narcotics detective and that detective's supervisor, the officer must re-submit the refused and revised documents to the same "Warrant DA."
- e. After the approval of the immediate supervisor, the Narcotics detective, and a "Warrant DA," the affiant shall present the affidavit and search warrant to a Denver County Court Judge.
 - 1. If the affidavit or warrant is found to be deficient by the Judge, the affidavit and warrant application shall be halted until appropriate corrections are made.
 - 2. Prior to re-submission to a Judge, the affiant must obtain the approval of: the same Narcotics detective; that detective's immediate supervisor; and the same "Warrant DA."
 - 3. If the affidavit and proposed search warrant are re-submitted after corrections, the officer must re-submit the refused and revised documents to the same Denver County Court Judge.
- 2. If the same Narcotics detective, same "Warrant DA", and/or the same Judge are not available for the second review, then the refused affidavit (with the notes from the original refusing reviewer) and the revised affidavit must be submitted to another Narcotics detective, "Warrant DA," and/or Judge for review.
 - a. The circumstances surrounding the unavailability of the same reviewer shall be noted in the supplemental report.
- b. **Detectives assigned to the Narcotics Bureau.** Detectives investigating felony drug cases must follow the same procedure as set forth above, with the EXCEPTION that they need not obtain the approval of another Narcotics detective.
- c. **Investigations other than Drug Cases seeking an Immediate Entry Search Warrant.**
Officers investigating a felony case other than drugs should follow the same procedure as set forth above, with the EXCEPTION the officer need not obtain the approval of a Narcotics detective. Instead, the assistance and approval of a detective from the affected bureau must be obtained prior to submitting the application to the Warrant DA.
 - 1. Prior to re-submission of any corrected affidavit and warrant to the "Warrant DA," the affiant must tender the documents to the same supervisor who gave the prior approval. Additionally, the affiant and the supervisor must obtain the approval of a commander in the affected Bureau.
- d. Any officer designated as a supervisor or commander not assigned to the Investigation Division shall follow the procedure as set forth above.

(7) METRO/SWAT

- a. Immediate Entry Search Warrants ("No-Knocks"). METRO shall execute ALL immediate entry search warrants.
 - 1. Any request for METRO to execute an immediate entry warrant should be made to a METRO Sergeant (or higher rank) no later than eight (8) hours after judicial approval.
 - 2. The requesting officer shall supply the METRO supervisor with the affidavit and search warrant.
 - 3. The METRO supervisor should ensure the information regarding the targeted location is correct.
 - a. Every affidavit should include a summary of the investigation and facts that conclusively demonstrate that the targeted location is the correct location.
- b. Knock and Announce Search Warrants. The level of participation METRO will have in the execution of "knock and announce" search warrants will be determined by the supervisor of the affiant. METRO should serve as on-call experts. Officers are encouraged to contact METRO for assistance in executing this type of warrant.
 - 1. A Metro supervisor may determine, for officer safety, that facts and circumstances justify application for an immediate entry search warrant. In such cases, the METRO supervisor will consult with supervisor of the affiant. If no resolution can be reached, the issue will be pursued and resolved through the chain of command of the Patrol Division. The warrant will not be executed until the issue is resolved.

(8) Execution and Follow-up

- a. **Time Frame for Execution.** If an officer obtains approval for an immediate entry search warrant, that search warrant must be executed within seventy-two (72) hours of judicial approval.
 1. Exceptions. If an extension is granted, an immediate entry search warrant shall be executed within one hundred and twenty (120) hours of judicial approval. To be granted an exception to the seventy-two (72) hour execution rule, the affiant must obtain the approval of:
 - a. The supervisor who first approved the documents
 - b. Where applicable, the Narcotics detective (or immediate supervisor) who approved the documents
 - c. A commander of the rank of lieutenant, or higher
 - d. The same DA (or immediate supervisor) who approved the documents
 2. Extension Requests. Any request for extension will be written on an *Extension Request*, stating the reasons for the request and will contain signature lines for the reviewers noted above.
 3. Extensions - Approved. If an exception to the seventy-two (72) hour execution requirement has been approved, a forty-eight (48) hour extension may be granted. If the immediate entry search warrant is not executed within the extension period (one hundred and twenty (120) hours from judicial authorization), then a new immediate entry affidavit and search warrant must be obtained.
- b. **“After-Search Case File.”** Within seventy-two (72) hours of the execution of all immediate entry search warrants, the affiant must submit a full “After-Search Case File”. This report should be a detailed narrative accounting of the search process. Where the search warrant is NOT executed, a written report shall be made explaining why the warrant was not executed.
 1. “After-Search” Case File. Within seventy-two (72) hours after a search authorized by an immediate entry warrant has been executed, or within seventy-two (72) hours after the expiration period for execution of an authorized immediate entry search warrant, the following documents are required:
 - a. The affidavit
 - b. The search warrant
 - c. The inventory and return
 - d. Any requests for extension
 - e. The “Metro/SWAT After-Search Report”
 1. Contents. The report should include the following:
 - a. Target location address
 - b. Name of notifying party (usually the affiant)
 - c. Date and time of notification
 - d. Special problems with target location (i.e., fortification, presence of children, elderly, etc.)
 - e. All preparations during the time period between judicial approval of the search warrant and execution of the warrant
 1. Examples of preparation should include surveillance, scouting method, and tactical preparation
 - f. Briefing time and location
 - g. Personnel involved in warrant execution
 1. Supervisor(s)
 2. Entry team and assignments
 3. Perimeter team and assignments
 - h. A detailed narrative explaining what, if any, violence or injury (or the real potential for the same) occurred during execution of the immediate entry warrant
 - i. A description of the method of entry including the use of diversionary devices
 - j. Description of injuries to officers, suspects, or victims during the execution of the warrant (detailed information will be noted on the Use of Force report)

- k. The number of weapons found during the search, and location, proximity to occupant(s), and availability of the weapons
 - 2. Completion of the "Metro/SWAT After-Search Report" will replace the requirement to complete an "After Action Report," DPD 286, and a Forced Entry Report.
 - c. The "Affiant After-Search Report"
 - 1. Contents. The report should include the following:
 - a. Location of target address
 - b. All preparation during the time period between judicial approval and execution of the warrant
 - 1. Examples of preparation should include additional investigation, surveillance, and any extension of time that may have been obtained.
 - c. A listing of all occupants in the premises during the execution of the warrant, and what, if any, involvement these individuals may have had with the execution of the warrant and/or the crime investigated
 - d. Identity of all persons arrested during the execution of the warrant
 - e. An analysis of whether the searched for items or other contraband were recovered
 - f. A description of any evidence or other contraband destroyed during execution of the warrant
 - 2. Distribution of "After-Search Case File." Within seventy-two (72) hours of the executed immediate entry search, or the expiration of the search warrant, copies of the "After-Search Case File," as described above, shall be distributed to the following:
 - a. The detective's criminal case file (discovery)
 - b. The affiant's immediate supervisor
 - 1. And/or the supervisor who approved the affidavit and search warrant
 - c. Where applicable, the Narcotic's detective who approved the affidavit and search warrant
 - d. The DA who approved the affidavit and search warrant
 - e. The Judge who authorized the search warrant
 - f. Captain of the Narcotic's Bureau (who will keep records on all immediate entry search warrants for semi-annual reporting)
 - g. Captain of METRO/SWAT
 - h. Commander of the affected District
 - i. Civil Liability Bureau
 - j. Commander of the Major Crimes Division
 - k. Deputy Chief of Operations
 - l. Chief of Police
 - m. Manager of Safety
 - d. **Semi-Annual Report** The DPD will issue a semi-annual summary of immediate entry search warrants executed. The Chief of Police will issue this semi-annual written report, with input and contributions from the Narcotics Bureau and Metro/SWAT.
 - 1. Distribution - This report shall be distributed as follows:
 - 2. The Mayor
 - 3. The Manager of Safety (available to all DPD officers)
 - 4. The Denver District Attorney
 - 5. The Presiding Judge of the Denver County Court (available to all County Court Judges)
 - 6. Available for public inspection
- (9) Immediate Entry Warrants from Outside Agencies
 - a. Officers or detectives from outside agencies who request assistance in executing an immediate entry search warrant must:
 - 1. Have the original affidavit reviewed by a Denver "Warrant DA" who will note the approval by signing, noting the date, time, and registration number on the affidavit
 - 2. Present the affidavit and search warrant to a Metro/SWAT supervisor within eight (8) hours of judicial approval

3. Have the warrant executed by the Denver Police Department Metro/SWAT who will have total control over the tactical execution
4. Execute the warrant within seventy-two (72) hours of judicial approval, unless a forty-eight (48) hour extension is obtained pursuant to procedures outlined in this section
- b. The After-Search Case File must be completed by Denver personnel and distributed per the procedure noted above.

104.55 Operational Planning

(1) Policy:

It is the policy of the Denver Police Department that all tactical and covert operations be thoroughly planned and that those plans be documented and discussed with all personnel responsible for executing the plan.

(2) Definitions:

- a. Tactical Operation: Any high-risk operation that requires a coordinated effort by officers to accomplish a police objective by use of approved tactics. Tactical operations are typified by the use of uniformed personnel.
- b. High-risk operations present an elevated risk to all participants and may require additional personnel or equipment to ensure the safety of all participants. Tactical operations are generally non-covert in nature.

(3) High-Risk Plainclothes Operation: Any operation that requires officers to operate in a plainclothes or undercover capacity in order to accomplish a police objective.

(4) Covert Operation: Investigations or police actions utilizing plainclothes officers and unmarked police cars to surreptitiously conduct surveillance gather evidence or apprehend persons under criminal investigation. Examples include but are not limited to: search warrant execution, controlled deliveries, surveillances which are intended to result in the arrest of dangerous persons, robbery stakeouts, property crime stakeouts, etc. Note: the approving command officer must make notification to the affected Operations Bureau(s).

- a. Undercover Operation: An authorized clandestine criminal investigation involving the use of sworn officers, confidential informants, or other cooperating individuals, in an attempt to actively infiltrate or otherwise covertly gather information or evidence from an individual or group reasonably suspected of being involved in criminal activity. Examples include but are not limited to: "buy-bust" operations, reverse stings, controlled buys, and murder-for-hire investigations.

(5) Non-Covert Operations: Investigations or operations utilizing uniformed personnel and marked police cars. Plainclothes personnel may also be utilized during a non-covert operation. The objective of this type of operation is to provide police services that require the coordination of a greater number of officers than would be required for a "routine" pre-planned response. Examples include but are not limited to: high-profile demonstrations, dignitary visits, large public gatherings, parades, festivals, and sporting events.

(6) Operation Commander: The highest-ranking command officer having overall authority over the operation or event.

- a. Operation Supervisor: The supervisor or command officer who conducts the Operational Briefing will be referred to as the Operation Supervisor

(7) Duties and Responsibilities of Participating Personnel

a. Officer Responsibility

Officers who conduct investigations or operations that meet the definitions as described above will be required to complete an Operational Plan Briefing, DPD 567.

b. Supervisor Responsibility

Planning:

1. The immediate supervisor of the officer drafting the operational plan shall review it in its entirety, ensuring that the plan is thorough, complete, and complies with the Operations Manual. During the course of the review process, the immediate supervisor shall discuss options and alternatives to the proposed plan. The safety of the participating officers, general public, and suspect(s) is of paramount importance and shall be considered during the review process.

2. The operational plan will be a written synopsis of any type of plain-clothes, undercover, or high-risk operation where any undercover or cooperating informant is inserted into any location or event for the purpose of gathering information, intelligence, or evidence.
 3. The operational plan will include specific details of the operation and will include a brief description of the objective of the operation.
 4. In the absence of exigent circumstances, officers shall not engage in **any** undercover operation unless a lieutenant, acting lieutenant, or other command officer has reviewed and approved the request for such undercover operation, in writing, prior to the initiation of the undercover operation.
 5. In the absence of exigent circumstances, a command officer, before implementation, must approve all operational plans in writing. In the event that there is an immediate need for a tactical operation, i.e. any officer safety, or public safety issues where immediate response is required, a command officer approval is not required in advance, but must be obtained as soon as practicable.
 6. The immediate supervisor shall be tasked with conducting an Operational Briefing. The officer who drafted the operational plan will assist as needed during the briefing. The Immediate supervisor will assure that all participants are present and attentive at the briefing.
 7. The operational briefing will be a planning session of all members involved in the tactical operation. This briefing will include all pertinent information, which will enhance both the implementation and safety of the operation. It is imperative that all participating undercover officers be available for the briefing so that all team members are familiar with their appearance. The operational briefing will include all updated intelligence as well as objectives of the operation.
- c. Execution:
1. The Operation Supervisor will be charged with the overall responsibility of implementing and executing the operational plan. The Operation Supervisor will be in charge of the operation through its conclusion. The officer who drafted the plan will assist the Operation Supervisor. The Operation Supervisor will be in close proximity to the actual operation and will monitor all radio traffic regarding the operation.
 2. The Operation Supervisor shall:
 - a. Authorize or cancel the operation, based on all available information and the provisions of Denver Police Department Policy.
 - b. Continually assess the risks and hazards involved in allowing the operation to continue, and make a decision to allow the operation to continue or order it terminated.
 - c. Communicate with the initiating officer throughout the course of the operation for the purpose of determining if the goals and objectives of the operation are being met.
 - d. Communicate with a member of the Denver District Attorney's Office and/or members of the City Attorney's Office for guidance as needed.
 - e. Nothing in this section precludes the Operation Commander or the undercover officer from canceling the operation at any time.
 - f. The Operation Supervisor will be tasked with drafting an After Action report detailing police actions taken in those operations that may draw media attention.
- d. Command Officer Responsibility:
1. A command officer of the initiating officer will review and approve the Operational Plan Briefing, DPD 567. The command officer should address with the supervisor any areas of concern regarding the tactics that are planned. Other areas of concern include ensuring that there are sufficient personnel to conduct the operation, that the planned location and time of the operation provide the safest option available. Considerations regarding location and time of day include ensuring the operations are not planned around in-session schools or densely populated areas. Executing operations in isolated areas will ensure sufficient visibility to conduct the operation safely, etc.
 2. The command officer who reviews the completed Operational Briefing plan is responsible to notify all districts, bureaus, and units that have a need to know of the operation prior to its commencement. At a minimum an on-duty supervisor or command officer of the district where the operation is being conducted, Denver 911, and in the case of a narcotics operation or other high-risk tactical operations that may conflict with narcotics operations, the HIDTA Watch Notification Center will be notified.

3. **Because the operational plans are solely for officer safety purposes the command officer of the initiating officer shall insure that all copies of the operational plan are destroyed upon completion of the tactical operation. The command officer shall retain the original copy of the operational plan for a period of ninety-days (90). At the end of the ninety-days (90), the command officer shall insure that the original operational plan is also purged.**
- e. Vice/Narcotics Operations:
 1. In those situations where the assistance of uniformed personnel will be needed, the Operation Supervisor will coordinate with a supervisor or command officer of the uniformed personnel.
 2. When uniformed officers request the assistance of the Vice/Drug Control Bureau, the following shall apply:
 - a. A Vice/Drug Control Bureau supervisor or command officer will have the responsibility to review all Vice or Drug-Related operations. Any concerns that become known will be addressed with the immediate supervisor of the officer who drafted/presented the plan for consideration. Operational plans will not be implemented until a consensus is reached.
 - b. The reviewing Vice/Drug Control Bureau supervisor or designee will confirm that a query has been made through the CLEIN system to ensure that the target of an operation is not under active investigation by another officer, agency or unit. This supervisor will also ensure that the HIDTA Watch Center has been notified.
 - c. All department personnel are required to notify the Vice/Drug Control Bureau regarding all Vice/Drug-related investigations prior to undertaking any enforcement/investigative action.
 - d. A Vice/Drug Control Bureau investigator or the officer's supervisor will accompany any officer conducting a drug enforcement-related knock and talk, unless an officer has received adequate training in narcotic investigations, as prescribed by the Deputy Chief of Operations. This does not prohibit officers from taking appropriate action for on-sight violations or those detected in the course of routine patrol. If the knock and talk is considered high-risk, an Operational Plan and Operational Briefing will be completed. See OMS 304.00

(8) Undercover Operations Involving the Consumption of Alcoholic Beverages

- a. Purpose:
The Denver Police Department recognizes that undercover operations are a necessary law enforcement tool. Furthermore, it is recognized that alcoholic beverages are sometimes required as a prop that is needed to complement the role of an undercover officer in a particular setting. More importantly, it may also be necessary to protect the safety of the undercover officer.
- b. Policy:
The on-duty consumption of alcoholic beverages shall be permitted **only** where it is absolutely necessary to maintain the officer's undercover status in an authorized covert investigation. A command officer must approve such consumption **in advance**. The approving supervisor or command officer will be present in the field during all such operations and ensure that the consumption of alcoholic beverages does not result in the officer's inability to perform official police duties.
- c. Training:
The Vice/Drug Control Bureau will provide training to officers and supervisors who may need to possess, purchase, or consume alcoholic beverages during the performance of their official duties. The training shall address department policy, officer safety, and specific techniques to minimize the consumption of alcoholic beverages by the undercover officer. **Officers are reminded of their requirement to adhere to OMS 304.00 regarding the notification of Vice/Drug Control Bureau personnel, prior to the commencement of any Vice/Drug related operation or investigation.**
- d. Consumption of Alcohol by an Undercover Officer
 1. The undercover officer must submit an operational plan to his/her command officer describing the investigation as required in the plan outline. The supervisor will review the operational plan for completeness, with an emphasis on operational soundness and officer safety concerns.
 2. The undercover officer will explain the necessity for consuming alcohol during the investigation. The command officer will consider the request and give authorization, if deemed necessary.

3. The undercover officer(s) will be covered by a surveillance team. The operation supervisor will take into account the totality of the circumstances to determine the composition of this team. The members of this team shall not consume alcoholic beverages during the surveillance.
The approving supervisor or command officer will be present during the operation and monitor the surveillance.
4. The undercover officer(s) will not consume more than one (1) drink per hour nor more than three (3) drinks during any assigned duty shift.
5. The supervisor or command officer will meet with the undercover officer(s) immediately following the undercover assignment to determine the officer's ability to continue work and/or to drive.
6. Any undercover officer who has consumed any amount of alcohol during an on-duty shift will not be permitted to participate in any tactical operation. Tactical operations include, but are not limited to: "buy-bust operations, reverse sting operations, high risk entry search warrants, a 'knock & talk' consent search operation, or any operation where consumption of alcohol is determined to be a safety or liability concern.
7. If the supervisor or command officer determines that the officer is unable to continue to work and/or drive, the officer will be transported to the office. If necessary, the officer will be transported to his/her residence at the conclusion of the shift.
8. The supervisor or command officer will submit a report utilizing Inter-Departmental Correspondence, DPD 200, to the officer's commanding officer, outlining post-operation observations of the officer. A copy of the operational plan will be attached. The commanding officer will be responsible to maintain these forms for a period **not to exceed six (6) months**.
9. Undercover officer(s) will use only official department funds to purchase evidence and alcoholic beverages. **Officers are not permitted to use personal funds or vehicles during undercover operations.**

104.56 TACTICAL EVENT DECONFLICTION POLICY – (Revised 05-2011)

(1) Purpose

The purpose of Tactical Event Deconfliction is first and foremost, to ensure officer safety. Secondary to this is to prevent enforcement and/or investigative conflicts between law enforcement units, bureaus and other agencies. The goals are; to reduce duplication of effort, promote the exchange of information crucial to multi-unit, multi-jurisdictional operations and investigations; and to coordinate units, bureaus and agencies with common interests. Tactical Event Deconfliction must be performed as part of Operational Planning, pursuant to DPD OMS 104.55 (Operations Planning). The purpose of this policy is to provide guidance for the Denver Police Department in the responsible and effective use of available software to insure safety during enforcement operations.

(2) General Principles:

- a. The Denver Police Department restricts the use of Tactical Event Deconfliction software applications to trained officers, detectives, supervisors and/or commanders.
- b. Keeping in mind the Denver Police Department's Mission, Vision, and Values, the principle objectives of Tactical Event Deconfliction include:
 1. Enhancing public safety in areas where the safety and security of our citizens are at risk;
 2. Preventing and deterring crime;
 3. Reducing the risk of operational and/or investigative conflict;
 4. Identifying criminal activity;
 5. Identifying suspects and gathering evidence;
 6. Documenting police actions to safeguard citizens and police officers;
 7. Improving the allocation and deployment of law enforcement resources.
- c. Tactical Event Deconfliction (through the use of RiSSafe) will be conducted with accepted legal concepts regarding privacy, and in a professional and ethical manner. Personnel involved in the use of RiSSafe use must be appropriately trained and supervised in the use of this application.

- d. Information obtained from Tactical Event Deconfliction RiSSafe use will be used exclusively for public safety and law enforcement purposes. Information in any form obtained through the use of the RiSSafe application will be handled according to accepted departmental procedures and legal rules governing the handling of evidence and criminal justice records. Dissemination of such information should be conducted in accordance with applicable departmental procedures, State, and Federal laws.

(3) Definitions:

- a. **Event Conflict:** A law enforcement event which occurs either at the same location, time, or has common suspects with another unit, bureau, or agency. These types of conflicting events often are unknown to the receiving jurisdiction.
- b. **Tactical Event Deconfliction:** The coordination of any number of law enforcement events, which may have the potential to involve conflicting times, geographic areas, or suspects. Also known as Event Deconfliction.
- c. **Law enforcement events needing Tactical Event Deconfliction:** Undercover operations to include but not limited to; controlled buys, reverse stings, controlled deliveries, arrest warrants, search warrants, consent searches, stationary surveillances, staging locations, mobile surveillance, clandestine lab site, undercover meetings, & storefront operations.
- d. **RiSSafe:** The Regional Information Sharing Systems (RISS) Tactical Deconfliction application. This program is administered through the local RISS Center – the Rocky Mountain Information Network (RMIN). RiSSafe software is a secure, permission based application. The RISS Program is funded by the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. RiSSafe was created by RISS to provide a national event Deconfliction service for law enforcement as officer safety is a key element in the information sharing environment.
This application has an intelligence module, however Denver Police Department officers are forbidden to populate those fields. RiSSafe shall only be used for Event Deconfliction.
- e. **RMIN:** The Rocky Mountain Information Network. RMIN is the regional RISS Center, supporting Colorado, Arizona, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming & portions of Canada.
- f. **RiSSafe Training PowerPoint:** The RiSSafe Tactical Event Deconfliction PowerPoint, accessed through the department's intranet page.
- g. **RiSSafe Watch Center:** Staffed location where event Tactical Deconfliction can be telephonically relayed and entered into RiSSafe. This watch center is staffed 24 hours a day, seven days a week.
- h. **Combined Communications Center (CCC):** The Denver 911 call center, located at 950 Josephine St. Denver, CO.

(4) Procedure:

- a. There is always a risk that a number of events occurring within law enforcement will unintentionally overlap between agencies or even within various units/bureaus of the same agency. The Deconfliction process itself is simple. An officer enters an event into the application either directly (as a remote user) or by calling the RiSSafe Watch Center.

Required Information to enter or inform personnel at the RiSSafe Watch Center:

1. Date and time frame of operation, target(s) names;
 2. Address of the operation, including zip code;
 3. Type of operation;
 4. Staging Location;
 5. Primary agency conducting the operation and any other participating agencies;
 6. Case agent's name and office phone, cellular phone number;
 7. Alternate point of contact, including office phone and cellular phone number;
 8. Specify the radius of event (a one-tenth to five mile)
- b. If no conflict is detected by RiSSafe, the information is stored in the application for the life of the event.
 - c. If a conflict is detected, the application can electronically notify the involved parties (via email/text message) and in all cases the appropriate RiSSafe Watch Center will contact the involved parties (via phone) and advise them that a conflict has been detected.

- d. It is mandatory to additionally contact the Combined Communications Center (CCC) either by radio or telephone as to location(s), times, and officers involved for the law enforcement event. The reporting officer will inform the Combined Communications Center supervisor of the time and the location of the intended operation. The Combined Communications Center supervisor will ensure that officers who are dispatched to the area are not unnecessarily exposed to danger, while at the same time not jeopardizing the operation or the safety of the officers involved.

It is mandatory that officers keep the Combined Communications Center and the RiSSafe Watch Center informed of any changes that occur during the operation, such as times, locations, and spin-off operations.

Supervisors of the operation are required to insure that the Event Deconfliction has been accomplished; adjustments to the operation are communicated through RiSSafe and the Denver 911 call center and are documented on the Operational Plan.

104.57 Rule 41.1 – Court Order for Non-testimonial Identification (Revised 08-2010)

1. Definition of Terms used in this Rule:
 - a. "Offense" means any felony, class 1 misdemeanor, or other crime punishable by imprisonment for more than one year.
 - b. "Non-testimonial identification" includes, but is not limited to, identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, specimens of material under fingernails, or other reasonable physical or medical examination, handwriting exemplars, voice samples, photographs, appearing in lineups, and trying on articles of clothing.
2. Rule 41.1 of the Colorado Rules of Criminal Procedure provides for the following when obtaining an order for non-testimonial identification.
 - a. Any judge of the Supreme, District, Superior, County Court, or Court of Appeals may issue this order.
 - b. can make an application request for a non-testimonial identification order when they have probable cause that a crime occurred and reasonable suspicion not amounting to probable cause that a specific person committed the crime, prior to the arrest of the suspect.
 - c. The Court shall issue an order only on an affidavit or affidavits sworn to or affirmed before the judge and establishing the following grounds for the order:
 1. That there is probable cause to believe that an offense has been committed;
 2. That there are reasonable grounds, not amounting to probable cause to arrest, to suspect that the person named or described in the affidavit committed the offense; and
 3. That the results of specific non-testimonial identification procedures will be of material aid in determining whether the person named in the affidavit committed the offense.
 - d. Upon a showing that the grounds specified in c) exist, the judge shall issue an order directed to any peace officer to take the person named in the affidavit into custody to obtain non-testimonial identification. The judge shall direct an expeditious execution of the non-testimonial identification procedures. After completing such identification procedures, the officer shall release such person or charge them with an offense.
 - e. An order to take a person into custody for non-testimonial identification shall contain:
 1. The name or description of the individual who is to give the non-testimonial identification;
 2. The names of any persons making affidavits for issuance of the order;
 3. A description of the criminal offense supporting the issuance of the order and the specific non-testimonial identification procedures the officer shall conduct;
 4. A mandate within the order that directs the officer receiving the order to detain the person for only such time as is necessary to obtain the non-testimonial identification;
 5. The typewritten or printed name of the judge issuing the order and signature of the judge.
 - f. Any peace officer or other person designated by the judge may conduct a non-testimonial identification procedure. Medically trained personnel shall supervise blood tests, and the judge may require medical supervision for any other test ordered pursuant to this section when the judge deems such supervision necessary. Officers shall not detain any person who appears under an order of appearance issued pursuant to this section f) longer than is reasonably necessary to conduct the specified non-testimonial identification procedures unless the officer arrests the person for an offense.

3. The officer must execute and return the order within fourteen days after its date of issuance.
4. Officers shall only execute the order in the daytime unless the issuing judge endorses on the order that the officer may serve the order at any time, because it appears that the suspect may flee the jurisdiction if the officer does not serve the order immediately. The officer must supply information supporting this conclusion within the affidavit of the order.
5. The officer executing the order shall provide only a copy of the order to the person served. The officer shall not provide a copy of the affidavit to the person served.
6. Except for a protective search for weapons, the officer shall conduct no search of the person given an order for non-testimonial identification, unless the officer also has a separate search warrant to do such a search of the person.
7. Upon execution of the order, or the expiration of the fourteen-day time, whichever comes first, the officer shall make a return to the issuing judge showing whether the person named has been:
 - a. Detained for such non-testimonial identification;
 - b. Released or arrested
8. The limits of a Rule 41.1 are to non-testimonial identification evidence only. The order does not authorize the officer to pursue or acquire testimony or other communications protected by the privilege against self-incrimination.
 - a. While detaining the subject for the purpose of obtaining the non-testimonial sample, officers cannot question or interrogate the subject.
 - b. Officers can seek consent to conduct an interview after completing the execution of the order and releasing the subject from custody.
 - c. If the officer arrests the subject after executing the non-testimonial order, the officer may question the subject in accordance with OMS 301.02 Interrogation of Suspects.

105.00 Use of Force Policy

105.01 Use of Force Policy

(1) POLICY:

- a. The Denver Police Department recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual, and the Constitutional right to be free from excessive force, whether deadly or not, by a law enforcement officer. The use of force, especially force likely to result in serious bodily injury or death (including a firearm), is a serious action. When deciding whether to use force, officers shall act within the boundaries of the United States and Colorado constitutions and laws, ethics, good judgment, this use of force policy, and all other relevant Denver Police Department policies, practices and training. With these values in mind, an officer shall use only that degree of force necessary and reasonable under the circumstances. An officer may use deadly force in the circumstances permitted by this policy when all reasonable alternatives appear impracticable and the officer reasonably believes that the use of deadly force is necessary. Officers should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving, about the amount of force that is necessary in a particular situation. The reasonableness inquiry in an excessive force case is an objective one; the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. The person's reasoning ability may be dramatically affected by a number of factors, including but not limited to a medical condition, mental impairment, developmental disability, physical limitation, language, drug interaction, or emotional crisis. Therefore, it is possible that a person's mental state may prevent a proper understanding of an officer's commands or actions. In such circumstances, the person's lack of compliance may not be a deliberate attempt to resist the officer. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Policing requires that at times an officer must exercise control of a violent, assaultive, or resisting individual to make an arrest, or to protect the officer, other officers, or members of the general public from risk of imminent harm. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. Officers should recognize that their conduct immediately connected to the use of force may be a factor which can influence the level of force necessary in a given situation. When reasonable under the totality of circumstances, officers should use advisements, warnings, verbal persuasion, and other tactics and recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider or deploy a greater variety of force options. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force should be de-escalated accordingly.

Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer should, as soon as practicable, secure or holster the firearm.

- b. The Denver Police Department recognizes that the duties of a peace officer may require officers to use force. The department will support the lawful use of reasonable and appropriate force by officers in the performance of duty. Use of force that is not lawful, reasonable and appropriate will not be tolerated. Department Policy as well as relevant Federal, State, and Local laws shall govern use of force by officers.

The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

Officers who use force as described in the Colorado Revised Statutes or the Operations Manual of the Denver Police Department must immediately report the circumstances to a command or supervisory officer and comply with all reporting requirements.

An officer who witnesses inappropriate, unnecessary, unreasonable or excessive use of force by another officer shall report it immediately to a command or supervisory officer.

Officers who are off-duty and become involved in any use of force situation must report the circumstances to an on-duty Denver Police Department command or supervisory officer as soon as the situation is stabilized. An exception to the requirement of reporting to an on duty supervisor or command officer may be granted by the Chief of Police for major events involving off duty officers. If an exception is granted a supervisor or command officer working the event may be allowed to fulfill the reporting requirements.

Officers are responsible to ensure that medical treatment is provided to any person who has been injured or alleges injury as a result of being subjected to the use of force.

(2) STATE STATUTES

- a. C.R.S. §18-1-707 states in the pertinent part: Use of physical force in making an arrest or in preventing an escape:
 1. "(1) Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate **physical force** upon another person when and to the extent that he reasonably believes it necessary:
 - a. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
 - b. To defend him self or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect such an arrest or while preventing or attempting to prevent such an escape.
 2. A peace officer is justified in using **deadly physical force** upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:
 - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
 - b. To affect an arrest or prevent the escape from custody, of a person whom he reasonably believes:
 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 2. Is attempting to escape by the use of a deadly weapon; or
 3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. (The Denver Police Department policy on use of deadly force in this situation is more restrictive than state law – see OMS 105.05(5).
 3. Nothing in subsection (2)(b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain custody.

4. For the purposes of this section a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts and circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is affecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsection (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid."
- b. The community expects and the Denver Police Department requires that peace officers use only the force necessary to perform their duties. The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is necessary and within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Colorado law mandates, and holds an officer accountable to do so, in C.R.S. §18-8-803: which states in part:

"(1)...a peace officer who uses excessive force in pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen."

"(2)...'excessive force' means physical force which exceeds the degree of force permitted pursuant to 18-1-707 (Use of force in making an arrest or in preventing an escape). The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who has been rendered incapable of resisting arrest. "
- c. The law requires that an officer who witnesses another officer using excessive force must report it to a supervisor. C.R.S. §18-8-802 states in part:

"(1)(a) A peace officer who... witnesses *another* peace officer... use physical force which exceeds the degree of physical force permitted pursuant to 18-1-707 [Use of force in *making an arrest* or *in preventing an escape*] must report such use of force to *such officer's immediate supervisor*."

"(1)(c) Any peace officer who fails to report *such* use of force in the *manner prescribed* commits a class 1 misdemeanor..."

(3) CASE LAW

- a. Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (Boykin V. People, 22 CO. 496, 45 P. 419).
- Law enforcement officers are permitted to use force to affect an arrest only to the extent that it is "objectively reasonable" under the circumstances (Graham v. Connor, 490 U. S. 386, 397, 109 S.Ct.1865, 104 L.Ed.2d 443).

(4) PERTINENT CONCEPTS AND DEFINITIONS

- a. Definitions:
 1. Reasonable Belief - When facts or circumstances the officer reasonably believes, knows, or should know; are such as to cause an ordinary and prudent police officer to act or think in a similar way under similar circumstances.
 2. Deadly Physical Force - That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
 3. Bodily Injury - "Physical pain, illness, or any impairment of physical or mental condition."
 4. Serious Bodily Injury - "Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage), or burns of the second or third degree."
- b. Types of Resistance

1. Psychological Intimidation - Non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat.
 2. Verbal Non-Compliance - Verbal responses indicating an unwillingness to comply with officer's directions or threat to injure a person.
 3. Passive Resistance - Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp or prone position.
 4. Defensive Resistance - Physical actions that attempt to prevent officer's control including flight or attempt to flee, but do not involve attempts to harm the officer.
 5. Active Aggression - A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
 6. Aggravated Active Aggression - Deadly force encounter.
 7. Psychological Intimidation, Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance.
- c. Factors to determine "objectively reasonable" force options.
1. The reasonableness of an officer's use of force under the Fourth Amendment requires careful attention to the totality of the facts and circumstances known by the officer prior to using force, including:
 - a. The severity of the crime at issue and
 - b. Whether the suspect poses an immediate threat to the safety of the officer(s) or others and
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
 2. Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the level of force used is reasonable and appropriate under the circumstances.
- d. Use of Force/Control Options
1. The level of force employed must be commensurate with the threat posed by the suspect and the seriousness of the immediate situation. It is recognized and understood that circumstances are fluid and may change rapidly. Officers should rely on their training, experience, and assessment of the situation, to decide the appropriate level of force.
 2. **Requesting a CIT officer:** Whenever an officer learns, through his or her observations or otherwise, that a person with whom the officer is dealing may be a mentally ill, developmentally disabled, or emotionally disturbed individual, the officer will, if time and circumstances reasonably permit and dictate, contact dispatch and request that a CIT officer respond to the scene. If time and circumstances reasonably permit, officers will use distance, time, verbal tactics, or other tactics, to de-escalate the situation when dealing with such persons. When a CIT officer arrives on the scene, he or she should be the primary officer responsible for coordinating negotiations with the mentally ill, developmentally disabled, or emotionally disturbed individual unless determined otherwise by the CIT officer or a superior officer.
 3. **Edged Weapons:** When confronted by a suspect armed with a deadly weapon, including edged weapons, an officer should weigh the totality of the facts and circumstances of each situation. Practical considerations may include, but are not limited to, the proximity of the suspect to the officer(s) and other persons, how rapidly the circumstances are evolving, and the use of force options that may be necessary, appropriate, and available.

Officers should recognize that, when reasonable to do so with safety to officers and other persons in the vicinity, disengagement, repositioning, cover, concealment, barriers or retreat, although not required by law, may be a tactically preferable police response to a confrontation.

The value of all human life should be appropriately weighed in the decision process. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

- e. The following list of use of force/control options is not intended to suggest the order in which the various categories of force should be used in any specific situation:
1. Command presence
 2. Voice
 3. Hand control
 4. Chemical agent
 5. Hand strike, leg thrust / kick
 6. Baton / impact instrument
 7. Carotid compression technique
 8. RIPP™ restraint devices
 9. Less lethal weapons
 10. Deadly force
 11. Police service dog

105.02 Use of Force Procedures (Revised 04/2015)

(1) DUTY TO REPORT

Officers shall immediately report the circumstances of all resistances or incidents involving use of force to a supervisor or command officer. The supervisor or command officer shall ensure that all sections of the Denver Police Department Operations Manual and the Colorado Revised Statutes have been followed.

- a. The Use of Force Report DPD 12, the related supervisory investigation and reports are required in any of the following circumstances:
1. An officer discharges a firearm other than in training or for bona fide recreational purposes.
 2. A person is injured or dies while in custody. See OMS 301.13, In-Custody Incident Investigations and OMS 301.14(8), In-Custody Death Investigations.
 3. A person is injured or complains of injury as a result of use of any physical force including the use of any weapon, chemical agent or deployment of a police service dog.
 4. A defendant is charged with resistance and/or assault and a police officer is listed as the victim.
 - a. In any case of assault on a police officer, "Investigation of Assault" will be charged, except when citing directly using DRMC 38-93 Assault. The suspect should not be charged with resistance or any additional charges at this time. Details of the incident, including any additional charges, will be described in narrative form on the Unified Summons and Complaint.
 5. An officer encounters an individual with obvious injuries, and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from contact with the officer.
 6. An officer applies force through use of the following, whether an arrest is or is not made:
 - a. Any tool, object or device used as an impact weapon
 - b. Carotid compression technique

- c. Chemical agent
 - d. Pepper Ball System
 - e. ERD/TASER
 - f. Shotgun or forty (40) mm less lethal round
 - g. Police service dog
 - h. Hand strike, leg thrust / kick
 - i. RIPP™ restraint devices
7. An officer has an accidental discharge of a pepper ball system, chemical agent or an ERD/TASER, other than in training, which occurs in view of the public or where members of the public are affected.
- b. The primary involved officer will prepare the Use of Force report, or Injury While in Custody/Injury Prior to Arrest report, paying particular attention to the facts of the incident. The report shall include:
- 1. An accurate description of the incident using the coded tables and text boxes on the Use of Force report, and
 - 2. Names of all involved officers, suspect(s) and witnesses. Additional forms will be used as continuation pages. Only those sections applicable need be completed on continuation pages, and
 - 3. A narrative summary of the significant facts of the incident which are not listed on the front of the form.
- c. The officer's supervisor shall respond to the scene and shall personally contact the officer immediately after the incident. The supervisor will interview witnesses and suspects, collect evidence and take photographs when appropriate. The supervisor will assist in preparing the Use of Force report, or Report of Injury While in Custody/Injury Prior to Arrest paying particular attention to the facts of the incident. When indicated, supervisors shall counsel officers in methods to better handle future situations to avoid or minimize the use of force.
- d. Each resistance, injury prior to arrest and injury while in custody incident will require the supervisor to conduct an independent and complete investigation and prepare and distribute written reports and documents. The minimum guidelines are described below.
- 1. The supervisor's conclusion that the details of the incident and facts contained in the Report of Use of Force or Report of Injury While in Custody/Injury Prior to Arrest are accurate, and
 - 2. Names and statements of all witnesses, and
 - 3. A narrative summary of any significant facts determined through investigation, and
 - 4. Make every reasonable effort to identify video and/or still photos that may contain evidence relevant to the investigation and document actions taken to obtain and preserve the evidence and/or the instruments that contain such evidence, and
 - 5. The supervisor's conclusions that:
 - a. The use of force, employed tactics, and all reporting requirements were performed within policy, or
 - b. One or more policies or procedures may have been violated. The specific Operations Manual section(s) will be cited, and if the supervisor finds that violations may have occurred, his/her commanding officer will be immediately notified and will determine the appropriate course of action regarding additional investigation, i.e. notifying IAD, etc.
 - 6. When investigating a use of force incident involving deployment of the ERD/Taser, the supervisor must recover and place into the Property Management Bureau the Taser probes and identification confetti. Only medical personnel will be allowed to remove probes from individuals struck by the ERD/Taser.

Data from the ERD/Taser shall be downloaded into a computer file and the results shall be documented as part of the use of force investigation.

7. The Report of Use of Force, or Report of Injury While in Custody/Injury Prior to Arrest shall be promptly distributed as follows:
 - a. The original report, along with all original statements, copies of other reports and photos, shall be forwarded to the Internal Affairs Division in a sealed envelope.
 - b. One copy shall be forwarded to the officer's Deputy Chief.
 - c. One copy shall be forwarded to the officer's division or bureau commander through the chain of command.
8. Supervisory or command officers performing secondary employment SHALL NOT investigate use of force incidents or injury prior to arrest incidents involving themselves or any officer performing secondary employment under their supervision. On-duty personnel shall be summoned for this function. See 105.00(1) (b) above.
9. Any supervisory or command officer who investigates any incident involving any officer engaged in secondary employment must verify in TeleStaff that the officer was approved for secondary employment and document the results.
10. Supervisors and command officers SHALL NOT investigate use of force incidents in which they are personally involved.
11. If the involved employee is a member of the Denver Sheriff's Department, a supervisor from that agency will be requested via radio to respond to the scene and complete the appropriate reports required by that agency. Denver Police officers will assist with witnesses and/or statements if requested, however the reporting requirements **will** be the responsibility of Denver Sheriffs personnel.
12. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 403.01(9).

(2) DUTY TO REQUEST MEDICAL ATTENTION

- a. Any time there is an injury or an alleged injury as a result of force used by department personnel or an officer encounters an individual with obvious injuries and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from the contact with the officer, the involved officer(s) shall:
 1. Visually examine any person claiming injury, request medical attention and immediately notify a supervisor. When an individual is struck with a less lethal weapon or an impact tool/device, or is subjected to the carotid compression technique or sprayed with a chemical agent, an ambulance shall be called to the scene of the incident to examine the person at the earliest and safest opportunity. Medical personnel **will** determine whether further medical attention is required.
 2. Any prisoner suffering from any illness, injury or other condition that requires medical attention, such as the ingestion of narcotics or other harmful substances, will be sent to Denver Health Medical Center for treatment.
 3. It is the policy of the Denver Sheriff's Department to refuse custody of injured prisoners unless accompanied by reports indicating that they have been examined or treated, or have refused to submit to examination or treatment at Denver Health Medical Center or another appropriate medical facility.
 4. Violent behavior may mask dangerous medical conditions; therefore, detainees shall be continuously monitored and provided with medical treatment if needed.

105.03 Less Lethal Force and Control Options

(1) POLICY

The primary duty of police officers is to protect the public, themselves and other officers. Less lethal force and control options may assist officers in performing these duties, but are not intended to substitute for the use of deadly force when it is reasonable and necessary. There is neither a requirement nor an expectation that officers attempt to use or exhaust less lethal options in situations requiring the use of deadly force.

(2) LESS LETHAL OPTIONS

The Denver Police Department authorizes the use of Electronic Restraints Devices (ERD)/TASER, Pepper Ball deployment systems, twelve (12) gauge and forty (40) mm specialty impact munitions to be carried by certain officers in their normal duty assignments.

(3) LESS LETHAL WEAPONS DEFINITIONS

- a. Less lethal: A concept of planning and force application which meets an operational or tactical objective, with less potential for causing death or serious injury than conventional more lethal police tactics.
- b. Less lethal weapon: Any apprehension or restraint device approved for carry, which when used as designed and intended has less potential for causing death or serious injury than conventional police lethal weapons. Less lethal weapons include Electronic Restraints Devices (ERD/TASER), Pepper Ball deployment systems, less lethal twelve (12) gauge shotguns and forty (40) mm projectile systems and others as approved by the Chief of Police.
- c. Less lethal officer: An officer trained in the principles of less lethal force and the use of less lethal weapons. One who is authorized by the department to carry and deploy one or more of the weapons in the performance of their duties.
- d. Less lethal shotgun: Department approved twelve (12) gauge shotgun with a cylinder bore eighteen-inch (18) barrel. The shotgun, except those approved by the Chief of Police for use by Metro/Swat, has a high visibility stock and fore-end and is equipped with rifle sights.
- e. Twelve (12) gauge beanbag projectile: Department approved and issued. The beanbag projectile is a lead-shot-filled fabric bag designed to be non-penetrating and to deliver its kinetic energy over a broad surface area.
- f. Forty (40) mm Launcher: Either a single round or multi-launcher, department approved, with fixed stock and rifle barrel.
- g. Forty (40) mm Projectile: Only department approved and issued specialty impact munitions may be deployed.
- h. ERD/TASER: Advanced Taser ERD (Electronic Restraint Device) which uses an electrical signal to temporarily override the motor and sensory nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the Taser to physically debilitate a target regardless of pain tolerance or mental focus.
- i. Pepper Ball System: Air-Powered launch device and projectiles that are plastic spheres filled with powdered Oleoresin Capsicum (OC). Projectiles burst on impact and release OC. Pepper Ball projectiles subdue by strongly irritating the nose, lungs, and breathing. Response to inhaling Pepper Ball projectile OC powder varies greatly among individuals. In most cases, the symptoms last for a few minutes. The Pepper Ball can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/or welts.
- j. Cycle: A single application of the ERD/Taser's electrical impulse, regardless of duration, which causes electro-muscular disruption.

(4) LESS LETHAL WEAPON PROCEDURES

The authorization to carry a less lethal weapon is a privilege and can be revoked at any time, for any reason by the officer's commander with approval of the officer's deputy chief or higher.

- a. Officers will be selected, trained and certified as less lethal officers and alternates. Only less lethal officers and alternates are authorized to display, carry or deploy any less lethal weapon. When vacancies occur among the ranks of less lethal officers, they will be filled by designation of an officer from the alternate pool. Selection of less lethal officers and alternates will be based on the following criteria:
- b. Officers must be selected by their commanding officer and approved by their deputy chief.
 - 1. Officers must attend and pass a mandatory training course, an annual in-service course and periodic qualification conducted by Firearms Section personnel. The formal updated training curriculum and list of qualified officers will be kept on file at the Training Bureau.

2. Less lethal certified officers who fail to qualify with their firearm two or more quarters in a twelve (12) month period shall be removed from the less lethal program. It is the responsibility of the officer and the supervisor of the Firearms Section to notify the officer's commander and the officer's deputy chief verbally and in writing of the failure to qualify as required by this section.
 3. Violations of this policy may result in revocation of the privilege to carry a less lethal weapon.
- c. Storage and issuance of less lethal weapons.
1. All departmental less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of only less lethal weapons.
 2. Less lethal weapons will be issued to qualified officers by a designated armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor.
 3. The Pepper Ball system may be issued for general patrol use and Field Force Squad or Zone commanders may also issue Pepper Ball deployment systems and less lethal shotguns or forty (40) mm projectile systems to qualified personnel assigned to each squad.
 4. All available less lethal weapons will be issued at the beginning of each shift provided sufficient numbers of qualified officers are on duty and returned at the end of the officer's shift to an armory officer or a supervisor.
 5. Qualified officers may not decline to be issued, carry, or deploy less lethal weapons.
 6. Each unit will designate a supervisor to perform the following maintenance on the unit's less lethal inventory on a twice-yearly basis on the date of the time change:
 - a. Inspect all ERD/Tasers, Pepper Ball launchers, and less-lethal shotguns. Any defective weapons will be delivered to the Less Lethal Coordinator in the Firearms Section.
 - b. Perform a data download from all ERD/Tasers in inventory. The data disks will be delivered to and retained by the Internal Affairs Division.
 - c. Adjust the time in the ERD/Taser's internal clock to reflect the regional time.
 7. Officers are responsible for the care and handling of less lethal weapons to the same degree and under the same conditions as other weapons. The less lethal weapons shall be safely handled, carried, and stored while on and off duty.
- d. Carrying and deployment of less lethal weapons
1. Officers or supervisors will determine when less lethal weapons are to be deployed. Officers deploying a less lethal weapon usually serve as cover officers only. Less lethal officers shall not perform any other duties, such as searching or handcuffing, until their weapon is secured. Planning and communication between officers and supervisors is important when making deployment and strategy decisions.
 - a. The less lethal shotgun is to be carried in the trunk of the police car, either in its case or in a dedicated rack if the vehicle is so equipped, with an empty chamber, the safety on and magazine loaded with four (4) rounds of less lethal ammunition.
 - b. The ERD will be carried on the belt in an approved holster, worn on the side opposite the firearm. When not worn, the ERD will be secured in a locked vehicle, not visible to passers-by.
 - c. The Firearms Section will maintain a list of department approved ERD holsters, and all ERD/Tasers will be carried in a holster from the approved list.
 - d. Pepper Ball guns may be authorized by Field Force Commanders for use during field force operations and major crowd control events. Subject to availability certified supervisors or officers may carry the Pepper Ball gun while on patrol.

- e. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
2. Less lethal shotgun or forty (40) mm projectile:
 - a. Deployment
 1. Use of a less lethal shotgun or the forty (40) mm projectile will be considered a use of force and must meet the requirements of all department policies and procedures and Colorado Revised Statutes.
 2. Acceptable uses of a less lethal shotgun or forty (40) mm projectile include:
 - a. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances and it is reasonable and necessary in order to attempt to avoid having to use deadly force. (Active Aggression is defined as a threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
 - b. As a defensive weapon option in situations where it is likely to prevent an officer or a third person from being seriously injured or killed. OR
 - c. To incapacitate a suicidal person who cannot be safely controlled with other force options.
3. Unless deadly force is warranted, an officer shall not intentionally deploy the less lethal shotgun projectile or forty (40) mm projectile
 - a. To the head, eyes, throat, neck, breasts of a female, genitalia, or spinal column.
 - b. To a pregnant female, (if the officer has knowledge of the pregnancy).
 - c. From a range of less than ten (10) feet with the less lethal shotgun, or less than five (5) feet with the forty (40) mm projectile.
4. When practicable, officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
 - a. Reporting
 1. When any person is struck by the projectile from a less lethal shotgun or forty (40) mm launcher, immediate evaluation by medical personnel is required, and paramedics will be called to the scene.
 2. If the subject is examined and released at the scene by the paramedics, the use of the less lethal shotgun or forty (40) mm projectile shall be reported as an impact use of force. The Use of Force Report, DPD 12, shall be completed in accordance with the requirements of OMS 105.01, Use of Force Procedures.
 3. The on-scene supervisor will notify a Crimes Against Persons (CAP) supervisor in the following circumstances, and the CAP supervisor will determine the appropriate level of investigation and coordinate documentation of the incident with the on-scene patrol supervisor:
 - a. If paramedics determine the subject is to be transported from the scene by ambulance, or
 - b. If the subject was struck by the less lethal projectile in the head or neck, regardless of the level of injury, or
 - c. If any part of the projectile penetrated the subject's body.
 - d. If it is discovered that the subject is a juvenile.

4. The medical examination by paramedics shall be documented on the Use of Force report, DPD 12, and the arrest paperwork, if any. Additionally, if the subject is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
5. Pepper Ball System Deployment
 - a. Use of the Pepper Ball projectile shall be considered a use of force and must meet the requirements of all department policies and procedures and Colorado Revised Statutes.
 - b. Acceptable uses of the Pepper Ball projectile may include:
 1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Defensive Resistance. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. (Defensive Resistance is defined as physical actions that attempt to prevent an officer's control including flight or attempt to flee, but do not involve attempts to harm the officer). OR
 2. In situations when its use is likely to prevent an officer or a third person from being injured, OR
 3. To incapacitate a suicidal person who cannot be safely controlled with other force options, OR
 4. When ordered by the field force commander or other command officer in crowd control or riot situations.
 - c. Unless deadly force is warranted, an officer shall not intentionally deploy the Pepper Ball projectile as follows:
 1. To the head, eyes, throat, neck, breasts of a female, genitalia, or spinal column.
 2. To a pregnant female, if the officer has knowledge of the pregnancy.
 3. On or in an open wound if the officer has knowledge of the open wound.
 - d. Officers shall communicate to other officers that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
 - e. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the Use of Force report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
6. Less lethal ERD/TASER Deployment
 - a. Use of an Electronic Restraint Device (ERD/TASER) shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statute.
 - b. Acceptable uses of the ERD/TASER include:
 1. To incapacitate a combative or physically resistive person; whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Active Aggression: A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.), OR
 2. In situations when its use is likely to prevent an officer or a third person from serious bodily injury, OR
 3. To incapacitate a suicidal person who can't be safely controlled with other force options.
 - c. Unless deadly force is warranted, officers shall not intentionally deploy the ERD/TASER as follows:

1. To the head, eyes, throat, neck, chest, breast(s) of a female, genitalia, or spinal column.
 - a. The point of aim (meaning the placement of the red laser dot) shall be the muscles of the upper abdominal area just below the sternum.
 - b. Probe strikes in any restricted area shall be specifically noted in the Use of Force Report, with an articulation of the specific suspect action(s) that may have caused the probe to strike the restricted area.
2. To a pregnant female, unless deadly force is warranted and if the officer has knowledge of the pregnancy.
3. On an open wound, if the officer has knowledge of the open wound.
- d. Officers will not use the ERD/Taser in the following situations:
 1. When the suspect has come in contact with or is in an environment containing flammable gases or liquids.
 2. Drug houses where ether or other flammable chemicals are suspected.
 3. To prevent a suspect from swallowing evidence.
 4. To terminate a foot chase unless the suspect's actions rise to the level of Active Aggression.
 5. When the subject is in a position where a fall may cause serious bodily injury or death.
 6. Where the suspect is in water of sufficient depth that the suspect may drown once incapacitated.
 7. Where its use will cause the suspect to lose control of a motor vehicle unless they can articulate compelling reasons.
 8. When the subject is holding a firearm, unless they can articulate compelling reasons.
 9. When the subject is at the extremes of age or physically disabled, unless they can articulate compelling reasons.
 10. In a situation where deadly force is clearly justifiable, unless sufficient cover is present and is capable of providing deadly force (Lethal Cover) to protect the officers and or civilians as necessary.
 11. As a tool of coercion or punishment. Officers will not activate the Taser against a suspect more than the minimum number of times necessary to safely take the suspect into custody, and the suspect should be secured as soon as practical, while experiencing electro-muscular disruption, in order to minimize the number of cycles.
 12. On a handcuffed prisoner, unless the officer can articulate an immediate need to stop a threat or action that will cause serious injury or death to the officer or another person.
 13. No officer shall playfully or maliciously display, or intentionally misuse the ERD/Taser. See OMS 105.02(4)d.6.b. for acceptable uses of the ERD/Taser.
- e. Use of the Drive/Contact Stun is discouraged except in situations where the deployment of the "Probes" is not possible and the immediate application of the "Drive/Contact Stun" will control a subject displaying, at least, Active Aggression.
- f. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use by announcing "Taser, Taser, Taser"; or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
- g. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. Officers shall advise responding medical personnel of any observations indicating that the suspect was under the influence of alcohol or controlled substance(s). This medical check shall be documented on the Use of Force report, DPD 12, and the GSS&C.
- h. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
- i. Medical evaluation is required whether the subject is shot with probes or the ERD / TASER is used as a contact stun device. Only medical personnel will be allowed to remove probes from individuals shot with the ERD/TASER.

- j. Probes and identification confetti will be recovered and placed in the Property Management Bureau by the supervisor conducting the Use of Force investigation.
 - k. Data from the Taser shall be downloaded into a computer file and the results shall be documented as part of the Use of Force investigation.
 - l. Should a subject die after the use of the ERD/Taser, the Homicide Unit shall be notified per the procedure outlined in OMS 301.14(8), In-Custody Death Investigations. In addition to the procedure outlined in (i) and (j) above, the ERD/Taser will be secured as evidence and submitted to an independent laboratory for testing to ensure proper functioning.
- (5) **IMPACT TOOLS/DEVICES:** Include the department approved police batons (listed below) and the Orcutt Police Nunchaku (O.P.N.) when used as an impact device.
- a. Impact tools/devices authorized.
 - 1. Police Batons:
 - a. Standard issue twenty-nine (29) inch baton.
 - b. Standard issue thirty-six (36) inch riot baton.
 - c. Commercially manufactured or custom made batons that closely resemble the length, diameter, composition and appearance of the standard issue baton.
 - d. An approved expandable baton upon successful completion of specialized training. The Training Bureau will maintain a list of approved expandable batons.
 - e. All officers are required to receive yearly refresher training with the police baton in conjunction with Arrest Control Techniques (ACT) training.
 - 2. **Items prohibited for carry:** All other devices including but not limited to saps, sap gloves, brass knuckles, billy clubs, batons with ornate carvings or a metal ball attached to either end, yawara sticks, iron claws, shirkins, ropes, and non-department issued leg restraint devices, including rope or cord hobbles are not authorized for carry. See OMS 111.03.
 - 3. Officers must be able to articulate a compelling need to use any other device or object as an impact weapon.
 - 4. Officers are discouraged from using a duty handgun as an impact weapon for the following reasons:
 - a. The inherent danger of an accidental discharge endangering the officer and other bystanders.
 - b. The firearm is generally an ineffective impact weapon due to its construction and weight.
 - b. Impact Tool/Device - General Guidelines:
 - 1. If a person resists non-violently (Defensive Resistance), the impact tool/device may be used only to apply come along/escort compliance holds. A person, who remains non-violent, will not intentionally be struck with the impact tool.
 - 2. If a person forcefully resists and/or attacks an officer or other person, an officer is permitted to strike the person with an impact tool/device, provided the officer uses reasonable care to confine such strikes and power levels, to areas of the body which, if struck, are not intended or likely to cause serious bodily injury.
 - 3. The head and neck shall not be intentionally struck with the impact tool/device, unless the officer is justified in using deadly force.
 - 4. Impact tools/devices shall be maintained in serviceable condition and shall not be modified, altered or fitted with any unauthorized add-on device in any way that is not approved in writing by the department. They may be marked with the officer's serial number but shall not be marked or adorned in any other fashion.
 - 5. Defective, broken, or altered impact tools shall not be carried.
 - a. An officer who discovers an impact tool/device that is unserviceable must immediately cease carrying the item and, if issued by the department, promptly submit a written request for replacement through the chain of command.

- b. All officers shall receive the designated training on each impact tool or device that they intend to carry before carrying the tool or device on or off duty. The mandatory training will be recorded in the officer's permanent training record. Division and bureau commanders will insure that the appropriate training is current and documented for all officers under their commands.
- c. Use of Impact Tools or Devices to Apply Deadly Force:
 - 1. An impact tool or device is generally used as a "compliance tool" to overcome non-deadly force exercised by a person resisting the officer's authority. However, in certain circumstances the impact tool or device can be properly used to apply greater force up to and including deadly physical force. Refer to CRS §18-1-707(2) for the circumstances under which deadly physical force can be used.
 - 2. Examples of reasonable deadly force applications of impact tool or devices include:
 - a. Controlling a suspect who has disarmed an officer and the officer reasonably believes that the suspect is about to use the firearm against the officer or another.
 - b. Controlling a suspect who is armed with a knife or other deadly weapon and due to the suspect's close proximity, the officer reasonably believes that the suspect is threatening the officer with imminent death or serious bodily injury.

(6) Additional Force Options

- a. Orcutt Police Nunchaku (OPN)
 - 1. The Orcutt Police Nunchaku is an authorized safety tool primarily used for arrest control and self-defense. Other brands, designs, or types of nunchaku are not authorized.
 - 2. Officers must first successfully complete a basic level OPN course authorized by the Denver Police Department prior to carry or use of the OPN in the performance of duties.
 - 3. Officers must successfully complete refresher training as required by the department. Officers failing to re-certify as required shall no longer carry or use the OPN in the performance of duties.
 - 4. If the OPN is used to strike a subject or injury occurs, whether or not an arrest is made, a Use of Force Report is required, in accordance with OMS 105.01(1).
- b. Chemical Agent
 - 1. Chemical agents provide an excellent force option in certain situations.
 - 2. Chemical agents may be used when reasonable and justified in the following situations:
 - a. To prevent an injury to an officer or a third person.
 - b. To ward off threatening dogs and other animals.
 - c. To subdue a person who is threatening or attempting physical harm to himself or another.
 - d. Against subjects resisting arrest.
 - e. To quell rioting.
 - f. Against subjects interfering with an arrest.
 - g. Any situation where the officer can clearly articulate the need to deploy this device.
 - 3. Authorization for use of a chemical agent, other than personal/individual issue, may not ordinarily be given by an officer below the rank of sergeant. The use of a chemical agent for crowd control or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except in the event of an emergency where the officer in charge of a field situation cannot reasonably contact higher authority.

4. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the Use of Force report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

c. Carotid Compression Technique

1. Only officers who have been trained by the Denver Police Department in the application of the carotid compression technique may utilize this force option. Application of the carotid compression technique shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statutes.
2. Acceptable application of the carotid compression technique:
 - a. To incapacitate a combative or physically resistive person whose conduct rises to the level of Aggravated Active Aggression. The purpose is to subdue the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Aggravated Active Aggression - Deadly force encounter)
3. Officers should be mindful not to apply direct pressure to either the front of the throat, back of the neck or head area either through compounded body weight, or direct pressure from a knee or arm in an effort to gain physical control of the person. Application of such pressure can cause unintended serious bodily injury or even death.
4. An immediate medical evaluation by paramedics is required to determine, if any, the degree of injury sustained by the suspect. This medical check shall be documented on the Use of Force report and any other charging document. If the arrestee is jailed, the officer will notify detention facility personnel that a carotid compression technique was applied.

d. Police Service Dogs

Policy

The mission of the Denver Police Department is to deliver high quality public safety services so all people may share a safe and healthy environment. The department, in partnership with the community, will endeavor to achieve our mission by utilizing the most modern and effective practices and methods. One of those effective practices is the utilization of a well trained professional Police Canine Unit. The police canine provides many valuable services including criminal apprehension, evidence and contraband detection, locating missing persons, and public relations activities.

1. Canines assigned to the Metro/SWAT Bureau will be available to assist in searches, crowd control, tracking, explosive and narcotic detection, security at scenes of major crimes or disasters, in addition to regular patrol duties and special assignments.
 - a. If an officer needs a canine and none are on duty, the dispatcher shall be notified. The canine supervisor will be contacted and will make the determination of which canine officer to send.
 - b. Canine handlers will be in complete charge and responsible for their dogs' deployment, regardless of the ranking officer on the scene. Canine handlers will determine the appropriate utilization of their dogs.
 - c. When it is believed a suspect may be armed with a weapon likely to cause injury or death to the police service dog, the handler may exercise his/her discretion before deploying the dog.
 - d. Any conflicts in utilization shall be reported in writing, via the chain of command, to the commanders of the officers involved, as soon as possible.
2. A police service dog may be used to perform a search or apprehension in a reasonable manner as determined by the handler and in compliance with all applicable laws and statutes regarding police use of force, the Denver Police Department Use of Force Policy, and the Canine Unit Policies and Procedures when the following conditions exist:

- a. When there is probable cause to believe the suspect has committed a crime or is a danger to themselves or others, and
- b. When the suspect is actively evading efforts to take them into custody and the use of a canine would reduce risk to officers or the public.
- 3. Risk to Third Parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
- 4. Should a police service dog injure any person:
 - a. The arrest scene and any criminal suspects will be immediately secured.
 - b. The canine officer/handler will immediately request medical assistance.
 - c. The injury will be reported on a Report of Use of Force, DPD 12, and in accordance with the requirements of OMS 105.01, Use of Force Procedures.
 - d. Injuries caused by the police service dog to persons who were not the subject of the search will be reported on a Use of Force Report.

105.04 Shooting By and/or of Police Officers

(1) When any law enforcement officer, regardless of agency or department, discharges a firearm as a result of contact with a person, whether or not a death or wounding occurs, officers shall immediately notify the Denver 911 dispatcher. Officers may request I-Call communication if officers wish to reduce the number of persons who may receive the broadcast information. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Denver 911 records all radio and telephone conversations and provides them for use in an investigation upon request. This procedure also applies when investigating the death or wounding of law enforcement officers.

- a. The dispatcher will immediately follow Denver 911 procedures by notifying the following as required:
 - 1. Ambulance.
 - 2. Sufficient patrol coverage.
 - 3. The on-duty command officer for the district of occurrence.
 - 4. The on-duty homicide and/or general assignment detectives.
 - 5. The on-call Police Shoot Team.
 - a. Major Crimes Section command officer
 - b. Homicide Unit supervisor
 - c. Primary and secondary homicide investigators
 - 6. The Crime Laboratory
 - 7. The on-call District Attorney.
 - 8. The Commander of the Major Crimes Division
 - 10. The Deputy Chief of Operations
 - 11. The Commander of the Internal Affairs Division
 - 12. The Public Information Officer
 - 13. The Chief of Police
 - 14. The Executive Director of Safety
 - 15. The involved officer's commander. If the officer has been injured or killed, this commander is responsible for notification of the officer's family.
 - 16. The Coroner's Office, in any case where death occurs.

- (2) Officers shall use the following procedure when handling the Person/Officer wounded by gunfire:
 - a. Use appropriate first aid.
 - b. Remove the person/officer to the hospital by ambulance if any possibility of life exists.
 - c. One officer should accompany the victim (dead or alive) to the hospital. He/she should note any statements made, take possession of clothing or other evidence and protect personal property.
 - d. When placing a hold order on a victim who is also a suspect in a crime, notify the Denver Sheriffs Department.
 - e. If the victim is a law enforcement officer, notify his/her commanding officer who will arrange for an officer guard. See OMS. 505.10(5).
- (3) The ranking officer at the scene is immediately responsible for crime scene protection.
- (4) The responsibilities of the ranking officer at the scene of a Police Shooting include, but are not limited to, the following:
 - a. Protect the crime scene using appropriate personnel and methods.
 - b. Determine what occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, ask the involved officer for general information that will indicate the area to protect and the evidence sought.
 - c. Officers shall identify and sequester all witnesses to the incident. Officers shall obtain written statements from all civilian witnesses. Investigators will review all statements and determine the need for additional detail or recording of the statement. Investigators shall obtain statements from all officer witnesses.
 - d. Ensure that the involved officer maintains his/her firearm in its condition at the conclusion of the shooting event, making no changes to the firearm, except to make the firearm safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited. Detectives shall document and collect these items during crime scene processing. The involved officer shall maintain custody of his/her firearm until relinquished to Crime Laboratory personnel, who will make arrangements to loan the officer a replacement firearm. An investigator from the Homicide Unit shall document this transfer. Once tested, only the assigned Homicide Unit detective or a Homicide Unit supervisory officer shall release the officer's firearm.
 - e. Assign a supervisory officer to sequester and transport the involved officer to headquarters and remain there with him/her until relieved. Only investigators assigned to the Police Shooting Team, the officer's commander, the officer's attorney and the District Attorney have access to the officer while sequestered. The Commander of the Major Crimes Division must approve all other access.
 - f. Provide the dispatcher and responding detectives with all available information.
 - g. Assist and follow the directives of the senior member of the Criminal Investigation Division in compliance with Section 14.12.
 - h. Assign an officer to complete a General Offense Report (GO).
 1. When an officer discharges his/her firearm and wounds a suspect or other person the title will be "Shooting by a Peace Officer".
 2. When a suspect shoots and wounds an officer the title will be "Assault on a Peace Officer".
 3. When the shooting results in the death of any person/officer the title is "Homicide".
 4. When an officer discharges a firearm causing injury or death the person shot will be reported as the victim and the involved officer is listed as the person reporting.
 5. Officers shall leave the suspect section blank and keep the narrative section brief.
 - i. Complete an After Action Report and route copies as appropriate and send a copy to the Homicide Unit. Attach a copy of the personnel detail(s) for that day for all districts or other units that covered the scene.
 - j. Ensure the completion of a Use of Force Report (UOF) DPD 12:

1. Use the front of the form to report the appropriate information. The narrative on the reverse side may indicate, "See After Action Report".
2. Attach a copy of the After Action report to the UOF report. Forward the original UOF report to the Internal Affairs Division, with one copy to the division commander and one copy to the respective deputy chief.

k. Ensure that ALL officers who respond to the scene, or who assist in any way, submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.

(5) The investigation of a shooting, by or of, a peace officer is a cooperative endeavor between the Denver Police Department and the Denver District Attorney's Office. The investigation is under the command of the Commander of the Major Crimes Division or designee. Officers and investigators shall use all appropriate investigative methods and techniques including, but not limited to, the following:

- a. Completely process and document the crime scene using diagrams, photographs and video recordings in accordance with crime scene protocols outlined in OMS 301.01.
- b. Investigators shall document statements as soon as practical following the shooting. Methods of documentation include those written, audio recorded, or video recorded at the discretion of the investigative command officer in consultation with the District Attorney. The interview order is generally civilian witnesses first, followed by officer witnesses. The interview(s) of the involved officer, those officers discharging a firearm, usually occur last.
- c. The officer involved in the shooting may have an attorney present for legal assistance. Investigators will advise the involved officer in accordance with the "Officer Advisement in Police Shootings" form (DPD 759). The "Miranda Warning", Internal Affairs Division "Garrry Advisement," or ordered statements under City Charter C5.73-6, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
- d. The Commander of the Internal Affairs Division (IAD) or designee will act as a liaison for the Office of the Independent Monitor (OIM) during the investigation of officer incidents involving members of the Denver Police Department, Denver Sheriffs Department and the Denver Fire Department's arson investigators. The Internal Affairs Division will participate in the investigation only at the request of the Commander of the Major Crimes Division or designee, or the Chief of Police. This participation only involves those cases where information or evidence supports there is a suspected crime or serious rule violation.
- e. Refer all media inquiries to the Commander of the Major Crimes Division or designee, generally, the Public Information Officer.
- f. The command officer in charge of the investigation will prepare, or cause the preparation, of an After Action Report (DPD286) and distribute the report as appropriate prior to going off duty.
- g. The criminal charge filing decision for a police shooting case is solely the responsibility of the Denver District Attorney's Office. Officers shall not publicly speculate about the decision. The District Attorney will inform the Chief of Police, in writing, of the decision following the completion of the criminal investigation and a thorough review of the case. The District Attorney bases the review and filing decision on the criminal standard of proof beyond a reasonable doubt and does not address administrative remedies which have a different legal level of proof.

(6) Considerations for the involved officer following the investigation of the Police Shooting/Critical Incident

- a. When death occurs the officer will be removed from any line duty assignment, pending the results of an administrative review.
- b. The officer's command will contact Police Psychological Services as soon as possible after the incident and schedule an appointment for the officer. The commander, with approval from their deputy chief, may arrange excused days for the officer until the police psychologist has met with the officer and made a verbal recommendation to the commander as to when the officer can return to duty. The purpose of the Psychological Services appointment is not to investigate the officer's actions or assess his/her fitness for duty.

In cases with extenuating circumstances, temporary or permanent assignment changes may occur.

- c. When death results, from any officer involved use of force, an in custody death or death which occurred as a direct result of police action and the incident is investigated by Major Crimes as a critical incident, the commander will follow the same procedures listed above in (6)b.

Absolute confidentiality exists and the officer has the option of not discussing anything he/she does not wish to discuss. The officer may include others in this interview, such as family members, fellow officers, or members of the Critical Incident Trauma Team (CITT).
- d. The commanding officer of the officers involved in a shooting incident will notify the officers of the above provisions. Additionally, the commanding officer will provide Psychological Services with the names of those officers whom they must contact. If after one week Psychological Services has not been able to contact the officer, Psychological Services will notify the commanding officer who shall provide for such arrangements. No other exchange of information will occur without the express written consent of the officer before the interview.
- e. In the event of a civil lawsuit against the City and County of Denver and the officer, the City Attorney's office will provide legal representation. Exceptions include when the officer acts outside of the scope of his/her employment or neglects to notify the Civil Liability Unit of the potential action for a lawsuit.

105.05 Discharge of Firearms

- (1) Officers shall not discharge any firearm in the performance of their duties except as authorized by law and the rules, regulations and procedures of the Denver Police Department.
- (2) All members of the Denver Police Department shall safely handle firearms while performing on-duty assignments and at all times while carrying/handling firearms while off-duty.
- (3) When all reasonable alternatives appear impractical, a law enforcement officer may resort to the lawful use of firearms under the following conditions when he/she reasonably believes that it is necessary. **When feasible**, it is necessary, to give some warning before engaging in the use of deadly force. If possible, identify yourself as a police officer, give the command you want followed, and state your intention to shoot.
 - a. To defend him/herself, or a third person from what he/she reasonably believes to be the use or imminent use of deadly physical force (C.R.S. §18-1-707); or
 - b. To affect an arrest, or to prevent the escape from custody of a person whom he/she reasonably believes:
 - 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 - 2. Is attempting to escape by the use of a deadly weapon; or
 - 3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. (C.R.S. §18-1-707).
 - 4. The following definitions shall apply to all of OMS 105.04(3) a. and b:
 - a. REASONABLE BELIEF: When facts or circumstances the officer reasonably believes, knows, or should know, are such as to cause an ordinary and prudent police officer to act or think in a similar way under similar circumstances.
 - b. DEADLY PHYSICAL FORCE: That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
 - c. SERIOUS BODILY INJURY: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk or protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage) or burns of the second or third degree.

- c. A law enforcement officer may also engage in the lawful use of firearms under the following conditions:
 - 1. To kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
 - 2. To participate in authorized training at a target range.
 - 3. To participate in any legitimate sporting activity.
- (4) Officers will not discharge firearms under the following conditions:
 - a. At another person unless the circumstances are such that the officer would be justified under the law if the shot killed the person.
 - b. Where there is likelihood of serious injury to persons other than the person to be apprehended.
 - c. As a warning or attention shots.
 - d. Solely to protect property.
- (5) Moving vehicles
 - a. Firing at moving vehicles: Firing at a moving vehicle may have very little impact on stopping the vehicle. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment. An officer threatened by an oncoming vehicle shall, if feasible, move out of the way rather than discharging a firearm. Officer(s) shall not discharge a firearm at a moving vehicle or its occupant(s) in response to a threat posed solely by the vehicle unless the officer has an objectively reasonable belief that:
 - 1. The vehicle or suspect poses an immediate threat of death or serious physical injury to the officer or another person and
 - 2. The officer has no reasonable alternative course of action to prevent death or serious physical injury.
 - b. Firing from a moving vehicle: Accuracy may be severely impacted when firing from a moving vehicle, and firing from a moving vehicle may increase the risk of harm to officers or other citizens. Officers should not fire from a moving vehicle except in self defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly physical force.
- (6) Above all, the safety of the public and the officer must be the overriding concern when the use of force is considered.

105.06 Use of Force Review Board

- (1) The Chief of Police has established a Use of Force Review Board which will examine all incidents where serious injury or death results from any officer-involved use of force, all firearm discharges by active members of the department, except those incidents described in OMS 105.04(3) d. & e, any in-custody death and any incident as directed by the Chief of Police. The board is investigative in nature and is responsible for making recommendations on administrative justification, Internal Affairs investigations, department policy modifications, training, and commendations. The board is empowered to classify a case as in or out of policy.
 - a. The board may refer a case to the involved officer's commander for consideration of a commendation.
 - b. The board may refer a case to the Tactics Review Board.
 - c. The Use of Force Board review of any case where a person has been injured or killed will be scheduled after the completion of the criminal investigation and the Chief of Police has received a written decision from the District Attorney stating whether or not criminal charges will be filed. The responsibility for notifying the Use of Force Board that the case is ready for review rests with the commanding officer of the Internal Affairs Division or his designee.

- d. The Use of Force Board review of non-injury firearm discharges will be scheduled after a final report on the incident has been completed. The responsibility for notifying the Use of Force Board that the case is ready for review rests with the commanding officer of the Internal Affairs Division or his designee.
- (2) The Use of Force Board is authorized to take all appropriate steps in its review of firearm discharge and use of force incidents, including, but not limited to the following:
- a. The Use of Force Board shall review all reports, photographs, video tapes, statements and other documents relating to the incident.
 - b. The Use of Force Board is empowered to call any officer witnesses needed for further clarification.
 - c. The Use of Force Board may invite any civilian witnesses needed for further clarification.
 - d. The Use of Force Board may direct additional investigation to be conducted by those who completed the original report of the incident under review.
 - e. The Use of Force Board must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of department rules and regulations.
 - f. The involved officer is not required to attend the hearing. If the involved officer decides not to attend the hearing, the hearing shall be held in the officer's absence.
- (3) Following full review of the use of force incident, the Use of Force Board has the following responsibilities:
- a. If the Use of Force Board has concluded that no departmental policy, procedure, rule or regulation has been violated, the Chief of Police will be notified of this fact in writing. Copies of this notification will be provided to the involved officer, his/her commander. One (1) copy will be placed in the involved officer's Internal Affairs Division file subject to purge at periods specified by the Chief of Police.
 - b. If the Use of Force Board has concluded that any Departmental Policy, Procedure, Rule or Regulation appears to have been violated, the Chief of Police will be notified of this fact in writing. The Use of Force Board will document the areas which it considers to be deficient, and forward a copy of its findings to the Commander of the Internal Affairs Division. The Internal Affairs Division will be responsible for investigating the specific points the Use of Force Board has found to be deficient. At the conclusion of the investigation, the case will be resubmitted to the Use of Force Review Board for an administrative finding. Sustained cases will then be processed and forwarded to the Conduct Review Division. As in all other disciplinary matters, final authority and responsibility rests with the Chief of Police.
 - c. If there is a question regarding tactics used in the incident, the Use of Force Board may forward the case to the Tactics Review Board for an opinion. Any recommendations made by the Tactics Review Board regarding additional training, or policy changes will be forwarded to the Chief of Police.
 - d. The Use of Force Board may also make recommendations to the Chief of Police for any modification of department policy or training.
 - e. Upon completion of its review the Use of Force Board may recommend that the involved officer(s) be considered for a commendation. The involved officers' commander or his/her designee will then be responsible for the following:
 - 1. Approve or reject the recommendation for commendation made by the Use of Force Board, and;
 - 2. If approved, complete and submit a formal request for commendation using procedures outlined in OMS 503.03.
 - f. The facts of the case shall be presented to the Use of Force Board by the IAD investigator assigned to the case, or in the event of a death, it may be presented by a Homicide Unit supervisor.
 - g. The involved officer(s) may have an observer present, who was not involved in the incident under review, during the presentation of the case, including witness testimony but not during any Use of Force Board deliberations. The observer shall not participate in any Use of Force Board proceedings.

- (4) All records of the Use of Force Board are to be considered confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
- a. This confidentiality shall extend to cover the Use of Force Board members, officer's representative, officer's commander, advisory witnesses, and any other persons attending as allowed by the Chief of Police.
 - b. Records of the Use of Force Review Board will be retained by the Internal Affairs Division.
- (5) Board Membership and Responsibilities
- a. The commanding officer of the Conduct Review Division is the non-voting Chair. Exception: in the case of a tie, the Use of Force Board Chair shall cast the deciding vote.
 1. An IAD staff member, designated by the Internal Affairs Division Commander, in consultation with the Use of Force Board Chair will determine the date and time of the meeting in compliance with OMS 105.06(1)c.& d., and will notify the other board members.
 2. The Use of Force Board will be called within a reasonable time after the final report of any use of force that meets the criteria outlined in OMS 105.06(1).
 3. The Use of Force Board Chair is responsible for gathering any reports needed by the Board. He may delegate this duty to an IAD staff member.
 - b. The voting membership of the Use of Force Review Board will be composed of the following persons:
 1. The Commander of Major Crimes Division
 2. A designated rotating commander
 3. Two community members trained and certified by the department.
 - c. The Use of Force Board Chair shall select a member of the department who has expertise in police tactics to serve as a non-voting advisory member of the board.
 - d. Use of Force Board findings shall be by majority rule.
 - e. Community Board Members
 1. The community member must have received training as designated by the Chief of Police, which at a minimum shall include instruction in:
 - a. The Denver Police Department Use of Force Policy. See OMS 105
 - b. Colorado State Statutes pertaining to the use of force by police officers
 - c. Hands-on training on all forms of the department's less-lethal alternatives
 - d. Overview of the Crisis Intervention Team (CIT) program
 - e. Overview of firearms training and policy
 2. Community representatives will be rotated through the pool of qualified candidates and the Commander of the Internal Affairs Division will make the assignments at the discretion of the Chief of Police.
 - f. Advisory Witnesses
 1. The involved officer's division or bureau commander may be present for the hearing, but will not be a voting member.
 2. Advisory witnesses may be called as determined by the Use of Force Board Chair. These may include a city attorney, the supervisor of the Firearms Section, the department less lethal advisor, or the Commander of the Training Bureau.
 3. Any additional persons may only be present at the discretion of the Chief of Police or the Commander of the Conduct Review Division.
- (6) Should any member of the Use of Force Review Board recognize a conflict of interest on an individual case the member will be excused and a temporary replacement will be appointed by the Chief of Police or the Commander of the Conduct Division.

- (7) Should any member of the Use of Force Board be unavailable to attend a meeting for any reason, that member will be replaced by a temporary member appointed by the Chief of Police.

105.07 Firearms - Requirements and Inspection (Revised 11/2014)

- (1) Officers will equip themselves with firearms of suitable caliber and manufacture as will meet requirements set forth by the Chief Firearms Officer with the approval of the Chief of Police.
- a. Prior to purchasing a firearm for official use, officers may obtain a copy of the Firearms Purchase Authorization, DPD 30. The use of this form eliminates the requirement to submit to the CBI background check required by Colorado Law. Officers are to submit the form to THEIR commanding officers for signature. Commanders are to authorize purchases only for officers under their commands. The form is then given to the gun dealer prior to the purchase of the weapon.
- (2) The Chief Firearms Officer, with the approval of the Chief of Police, shall prepare a list of firearms which are approved for carry. The list shall be updated as necessary by the Chief Firearms Officer, with the approval of the Chief of Police; the DPD 30 form will be revised with the current list.

The five (5) categories of authorized firearms are as follows:

- a. Uniform: This category lists the handguns approved for uniform carry. Officers shall carry only one (1) approved handgun and holster visibly displayed. All approved handguns in the uniform category are also approved for all other categories.
- b. Plain Clothes: This category lists the handguns approved for carry by officers in plain clothes while on duty. These handguns are also acceptable off-duty.
- c. Administration: This category lists the handguns approved for carry by non-uniform administrative officers while on duty. The administrative status of a Denver Police Department officer's assignment will be determined by the deputy chief in charge of the officer's assignment.
- d. Off-duty/back-up: This category lists the handguns approved for off-duty carry and back-up. All handguns approved for uniform, plain clothes and administrative categories are also authorized for off duty or back-up use.
- e. Utility: This category lists firearms approved for carry while performing specialized functions. The unit commander will determine the necessity for utilization of this category.
- (3) Inspection of Firearms. All firearms must be inspected, function tested, and approved by the Firearms Section prior to being carried either on or off duty.
- a. An annual inspection of all firearms will be required. Officers are prohibited from carrying any firearm which has not been inspected, approved and recorded within the previous twelve (12) calendar months. Each firearm will be inspected and fired for qualification once in each calendar year.
- b. Firearms found to be defective during an inspection will be brought to the attention of the officer owning the firearm. The officer will have such defects repaired. The repaired firearm will be submitted to a Firearms Section officer for inspection and approval prior to being carried.
- c. Qualification must be accomplished prior to carrying the firearm.
- (4) Repairs to firearms. Officers assigned to the Firearms Section are authorized to repair certain approved firearms. The following applies to in-house repairs.
- a. The firearm(s) in question must be an approved firearm.
- b. Department owned firearms shall not be altered in any way, except by Firearms Section personnel or by order of the Chief of Police.
- c. The officer reserves the right to have personally owned firearms repaired by any person or firm of choice. The cost of such repairs shall be borne by the officer. After repair or alteration by any person or firm other than the Firearms Section the firearm must be submitted to the Firearms Section for inspection and approval prior to being carried.
- d. In the event that needed repairs are of such nature that factory repair is required, personally owned firearms shall be returned by the officer to the factory for repair at the officer's expense.

- e. Loaner handguns will be provided by the Firearms Section under the following conditions:

1. The firearm being repaired is a departmentally approved firearm.
2. The loaner must be of the same make, model and barrel length as the one being repaired, if available.

(5) Method of carrying handguns

- a. All semi-automatic handguns will be carried in departmentally approved directional draw holsters and shall be worn on the strong side. Uniform holsters must have a covered trigger and retention method. Holster Authorization Letter, DPD 30H, will list approved holsters for uniform carry and requirements for plain clothes and off duty holsters.

(6) Cleaning and loading firearms

Officers shall clean, repair, load or unload firearms only in those locations designated by the building manager. This restriction shall not apply to firearms when loading or unloading is ordered by a supervisory officer for inspection or training purposes, or in the official performance of duties.

(7) Utility firearms

- a. No personal or unauthorized utility firearms, including privately owned shotguns, shall be carried without prior authorization of the officer's commander.
- b. Utility firearms, when carried routinely in police cars, shall not have a round in the chamber. Rounds will be carried in the magazine. Rounds which are chambered in anticipation of use will be unloaded and returned to the magazine upon termination of the incident and prior to returning the firearm to the police vehicle.
- c. Firearms maintenance will be performed by Firearms Section personnel on departmentally owned firearms.
- d. Only ammunition deemed appropriate by the Firearms Section will be used in these firearms.
- e. Department approved utility firearms include:
 1. Utility firearms listed on the DPD 30
 2. 40mm less lethal firearms loaded with department issued less lethal ammunition.
 3. Specialized firearms authorized for use by Metro/Swat or other specialized units loaded with department issued or authorized ammunition.

(8) Report of firearm purchase, loss or replacement (DPD 30).

- a. Officers shall file a General Occurrence (GO) report when a firearm is lost by any means. A General Occurrence (GO) report concerning the loss of any firearms shall contain all pertinent facts and information surrounding the incident.
- b. Officers using DPD 30 to purchase a firearm are reminded that disposition of these firearms must be in compliance with Federal law.

(9) Ammunition

All officers shall load their firearms and carry on their person only ammunition issued or approved by the Firearms Section. Officers are prohibited from carrying reloaded ammunition of any kind.

- a. Ammunition, both service and practice, will be furnished by the department for standard firearms.
- b. Ammunition for non-standard firearms is the responsibility of the individual officer. All ammunition for non-standard firearms must meet the requirements of the Chief Firearms Officer.

Officers will load their firearms with and carry on their person only ammunition specifically approved by the Chief Firearms Officer.

(10) Storage of Utility Firearms in police vehicles.

- a. Only Denver Police Department authorized and/or issued utility firearms shall be carried in police vehicles for use by officers in the performance of their official police duties.

- b. Department authorized utility firearms shall be carried in the police vehicle in accordance with the OMS 105.06(7)b, 105.08(2), and 108.08(3)
- c. To ensure that all firearms are kept secure when officers are off duty or their police vehicle is not in use, department authorized utility firearms (including less lethal) will be stored in the following manner:
 - 1. Department issued utility firearms will either be stored in a locked rack inside the police vehicle passenger compartment, in a trunk, mounted rack, or stored, unloaded, in a police facility armory, gun locker, or in a safe and secure manner at the officer's residence when off duty. If firearms are left unattended in a vehicle when the officer is off duty (i.e. at an off-duty job) and the firearm is not secured in a department supplied rack, it is the officer's responsibility that the firearm is out of sight and secured in a manner that will not allow access by an unauthorized third party.
 - 2. Personally owned and authorized rifles or shotguns will not be left in any unattended vehicle while the officer is off duty and will be stored at all times while off duty or on duty in a locked storage device or locker.
- d. Department issued utility firearms are the responsibility of the officer to whom the weapon is issued.

(11) Storage of any department authorized firearm

- a. Officers must ensure that all personally owned, department authorized firearms, including any firearm used on or off-duty, are kept secure at all times.

105.08 Firearms Section

- (1) The Firearms Section commander shall be in charge of the Firearms Section and all its facilities. This officer will also be known as the Chief Firearms Officer.
- (2) The Assistant Chief Firearms Officer shall be a supervisory position assigned to the Firearms Section.
- (3) Firearms Training Officers. These individuals shall be chosen from the ranks of 1st grade patrol officer, technician or detective. This position will carry the rank of technician, and will be assigned to the Firearms Section.
- (4) Range Operations
 - a. Rules, regulations and procedures for operations at the Denver Police Department Firearms Section facilities shall be posted in a conspicuous place and be strictly adhered to at all times.
 - b. All firearms that are to be inspected and used at the Denver Police Firearms facilities will be unloaded and cleared in the area provided outside the entrance doors to the range.
 - c. Clean firearms policy. All firearms to be used on the Denver Police Firearms facilities will be cleaned prior to inspection by Firearms Section personnel before being fired. In addition, all firearms will also be cleaned immediately after being fired. This cleaning procedure will be completed in the area provided. The *shoot slip* will be issued only after the firearm is re-inspected by the firearms personnel. (Officers are strongly urged to wash their hands after cleaning their firearm and prior to returning to duty.)
 - d. All visitors must be accompanied by a Denver Police Department officer and shall be governed by the posted rules and regulations. No children are allowed in range facility without prior approval from the Chief Firearms Officer or designee.
 - e. Any person who is not a member of the Denver Police Department must have written permission from the Chief of Police or his designee and the Chief Firearms Officer before being permitted to use these facilities.
 - f. All officers shall wear ear and eye protection when shooting on the firing line. In addition, officers within the firing area are required to wear ear and eye protection.
- (5) Firearms Proficiency
 - a. The minimum firearms qualification requirements are as follows:
 - 1. All police officers at the rank of sergeant and below are required to shoot once during each shoot quarter and achieve a passing score on the course of fire specified by the Firearms Section.

2. All command officers (lieutenants and above) are required to shoot biannually, in two separate quarters, and achieve a passing score on the course of fire specified by the Firearms Section.
3. Officers may shoot more frequently, but must be **on duty**, if not shooting for a required qualification. Overtime is not authorized for additional, non-required shoot time.
- b. Any Officer who, for any reason, fails to attend the above listed required firearms training during any quarter, or biannual shoot will be required to make up the missed shoot during the following quarter along with remedial training if deemed necessary by Firearms Section personnel. It is the officer's responsibility to make necessary arrangements.
- c. Any officer who, for any reason (including injury, illness, suspension, extended training, leave of absence, etc.), is absent from two or more shoot quarters, or one biannual shoot will attend remedial training if the officer fails to qualify upon their return.
- d. An unexcused failure to shoot for qualification as required and described in 105.08(5) shall constitute a violation of this section with the following penalties:
 1. First violation will result in a fine of one (1) day.
 2. Second violation within twelve (12) consecutive months will result in the fine of (3) days and attendance at Remedial Training.
 3. The Chief of Police or his designees may view an officer having three (3) unexcused violations within any five (5) consecutive years as a chronic offender. Discipline of chronic offenders shall be imposed separate and apart from the provisions of OMS 105.08 (5) b.1 or 2, and the penalty therefore may be imposed, based on the officer's entire history of failing to shoot for qualification.
- e. After each shoot quarter and annually reports will be generated by the Firearms Section delineating the following:
 1. Officers who failed to attend.
 2. Officers who failed to qualify.
- f. Remedial Training
 1. Officers failing to qualify during any regularly scheduled shoot quarter or during a biannual shoot will be required to attend remedial training conducted by the Firearms Section, until such time as they can qualify.
 2. Remedial training sessions will include firearms safety rules, positions, sight alignment, trigger control, and grip.
 3. The Chief of Police will be advised of officers failing to qualify with an approved handgun after attending two (2) training sessions.
- g. Passing score for each shoot quarter is 80% of the approved course.
- h. Prior to carrying any departmentally approved firearm, on or off duty, the officer must have passed proficiency testing during the previous twelve (12) calendar months with that firearm.
- i. The Chief Firearms Officer, with the approval of the Chief of Police, will establish proficiency testing courses appropriate to each authorized firearm. The Chief Firearms Officer shall maintain written records describing the course of fire. Such record shall contain a description of the target, scoring system, times allowed for each stage of fire, distance from the target and other pertinent conditions such as lighting, starting positions, firing positions, etc.

105.09 Denver Police Utility Weapon Program

- (1) The Denver Police Department authorizes the use of a .223 rifle and Remington 870 shotgun to be carried by certain officers in their normal duty assignment. The Firearm Purchase Authorization, DPD 30, will list the approved utility firearms allowed in the program.
 - a. The authorization to carry a utility weapon is a privilege and can be revoked at anytime, for any reason, by an officer's respective commander.
 - b. Blatant violations of this policy will result in revocation of the privilege to carry a utility weapon.

- (2) The utility weapon may be carried in the trunk of the police car. The rifle will be in a case with the chamber empty, bolt forward, magazine in the firearm, and the safety on. The shotgun will be in a case with the chamber empty, bolt forward, magazine loaded and the safety on.
- (3) Utility weapons may be carried in a vehicle weapon rack designed to fit that specific firearm. Carrying a utility weapon in a vehicle rack not designed for that specific weapon is not authorized.
- (4) Officers shall be selected and certified based on the following criteria:
 - a. Officers must have exhibited proficiency with a handgun, scoring ninety percent (90%) average or above for the previous one year period.
 - b. Officers must have completed their probationary period.
 - c. Officers must be recommended and approved by their commander. Selection within the patrol divisions will be monitored and approved by the deputy chief of operations, at the request of each district commander with consideration given to the equal distribution of departmentally owned/issued firearms across details one, two, and three.
 - d. Officers must attend and pass a mandatory training course to be conducted by range personnel.
 1. Urban Rifle – 40 hour operator's class
 2. Shotgun – 16 hour operator's class for officers hired after January 1, 2010.
 - e. Quarterly utility weapon and handgun proficiency shooting courses must be maintained at ninety percent (90%) yearly average or above.
 1. Officers who miss a quarterly qualification will notify his/her division/bureau commander, in writing, as to the reason for the missed qualification. Upon the approval of the division/bureau commander the officer will make-up the missed qualification during the next calendar quarter. Officers will not carry or deploy the utility weapon until the missed qualification is rectified.
 2. Officers who are on approved extended leave (i.e. military leave, light duty, suspension, leave of absence, or FMLA) and are unavailable for the required qualification will not carry a utility weapon. Upon the officer's return to full duty, he/she must qualify in the first available quarter prior to carrying or deploying a utility weapon. Supervisors will ensure compliance with this requirement.
 3. Officers will be removed from the utility weapon program and approval to deploy such weapon will be rescinded under the following conditions:
 - a. If an officer misses two (2) quarterly qualifications in a calendar year (January – December); or
 - b. If an officer misses two (2) consecutive quarters without the approval of his/her commander through the chain of command; or
 - c. If an officer fails to qualify within the first available quarter after his/her return from approved extended leave, as stated above in 2.
- (5) The Firearms Section will track and record all utility weapons, quarterly qualifications for authorized users/carriers. In addition, the Firearms Section will produce a quarterly qualifications report, no later than fourteen (14) days after the end of a quarter and forward the report to the and deputy chief of operations.
- (6) The formal updated training curriculum will be on file at the Firearms Section.
- (7) Officers would only deploy the utility weapon only under the following circumstances:
 - a. At the direction of their supervisor; or
 - b. When an officer can clearly articulate a need; in which the deployment of a handgun might not be sufficient to neutralize the threat, or greater precautionary measures are deemed appropriate.
- (8) Officers deploying a utility weapon would function as a cover officer, with no other duties such as searching or handcuffing until the weapon is secured in the patrol car.

- (9) When an officer is transferred, promoted, leaves the department, or is no longer certified to carry a utility weapon, the department owned firearm assigned to that officer, along with the rifle sling, carrying case, extra magazine, magazine pouch, rifle cleaning kit, all ammunition, and any other issued rifle or shotgun equipment, shall be returned to the Firearms Section where it will be inventoried and stored until being reassigned.
- (10) Unassigned utility weapons will be stored at the Firearms Section until the next training class, when the firearm will be assigned to another officer, in order to replace utility weapon vacancies left in various assignments due to transfers, promotions, etc.

105.10 Tactics Review Board

- (1) The primary function of the Tactics Review Board is to review those tactical situations or incidents reported on a Use of Force Report, an After Action Report, a Vehicular Pursuit Report, or a Police Vehicle Accident Report, where there is a possible deviation from department training, policy, or procedure. These do not include incidents reviewed by the Use of Force Review Board except as requested. The Tactics Review Board will conduct its review in order to determine compliance with existing policy and procedure; the need for revisions to policy, procedure, or training; proper management of the situation by supervision and command; and commendatory actions. The secondary function of the Tactics Review Board is to review and make recommendations on tactics under consideration by the department for adoption as a tactical option.

As used in this policy, the term tactics shall be defined as the strategies and techniques employed by officers designed to reduce risk to themselves or others in order to achieve a legitimate police goal. These shall include **but not be limited to** the elements of communication, vehicle operation, arrest control, crowd control, less-lethal force, firearms, search, movement, cover and concealment, and positions of peril.

- (2) Tactics Review Board Composition

- a. The non-voting chair will be the Commander of the Conduct Review Division.
- b. The Deputy Chief of Administration shall select a department member with demonstrated experience in the area of police tactics and officer safety to serve as a non-voting advisor. This advisor shall also assist with the screening of reports for eventual review by the Tactics Review Board, and with research into tactics under consideration for adoption by the department as a tactical option.
- c. The Chief of Police will appoint seven voting Tactics Review Board members with demonstrated experience in the area of police tactics and officer safety.
 1. One member of the Tactics Review Board shall be from the rank of Police Officer First Grade, Corporal, Technician or Sergeant.
 2. No more than two members may be appointed from outside of the department. These members must have superior knowledge and demonstrated ability in the areas of police tactics and officer safety.
- d. If any member of the Tactics Review Board is not able to attend a meeting, the Chief of Police or the Commander of the Conduct Review Division may appoint a temporary replacement for that meeting. This temporary board member shall meet the same requirements as other Tactics Review Board members.

- (3) Case Selection

- a. The Deputy Chief of Administration or designee, shall screen all Use of Force Reports and After Action Reports. The Commander of the Conduct Review Division shall review all vehicular Pursuit Reports and police Vehicle Accident Reports.
- b. The Deputy Chief of Administration shall recommend a Tactics Board review of those cases in which there is any question regarding the tactics employed during the incident or where there is a possible deviation from department training, policy, or procedures.
- c. Cases involving the demonstration of innovative or superior tactics shall also be reviewed.
- d. The Chief of Police may also direct that the Tactics Review Board review a particular incident.
- e. Any supervisor or command officer may recommend a review of a particular incident by the Tactics Review Board.

(4) Tactics Review Board Procedures

- a. The Tactics Review Board will meet on an as needed basis as determined by the Commander of the Conduct Review Division.
- b. Witnesses may be requested to provide additional information to the Tactics Review Board
- c. All recommendations of the Tactics Review Board will be on the basis of a majority vote. Exception: in the case of a tie, the Tactics Review Board Chair shall cast the deciding vote.
 1. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for disciplinary action shall be forwarded to the Internal Affairs Division for investigation based on the facts of the alleged infraction.
 2. Recommendations for changes to policy or training will be forwarded to the Chief of Police.
 3. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for commendatory action will be forwarded to the involved officer's commander. The involved officers' commander, or his/her designee will then be responsible for the following:
 - a. Approve or reject the Tactics Review Board recommendation for a commendation.
 - b. If approved, complete and submit a formal request for commendation using procedures outlined in OMS 503.03.
 4. Recommendations for additional training of the involved officer(s) will be forwarded to the Chief of Police.
 - a. If deemed appropriate, the Chief of Police may forward the recommendation to the appropriate commander.
 - b. The involved officer's supervisor will ensure that the officer receives training on the tactic in question. This training will be coordinated with, but not necessarily given by, the academy training staff.
 - c. The supervisor will document specific details of the training on an Inter-Departmental Correspondence, DPD 200, and will make a Journal Entry that the training was administered.
 - d. The Inter-Departmental Correspondence, DPD 200 and a copy of the Journal Entry will be retained in the officer's station personnel file and a copy forwarded to the Training Bureau for inclusion in the officer's training file.
 - e. Cases that have come to the Tactics Review Board from the Use of Force Review Board via a request for an advisory opinion will be reviewed and recommendations made. Upon completion of its review, the Tactics Review Board will return the entire case, including recommendations, to the Use of Force Review Board. Recommendations for changes in policy or training will also be forwarded to the Chief of Police.

(5) Procedure for Submitting Proposed Tactics for Review and Consideration

- a. Department members who become aware of a technique or tactic that may be beneficial to the department; may request that it be considered by the department for adoption as a tactical option.
- b. The tactic should be fully described on an Inter-Departmental Correspondence, DPD 200. Included should be a list of other law enforcement agencies that employ the tactic, if any. Supporting documentation such as training materials, video demonstrations, or other law enforcement agencies' policies and procedures regarding the tactic, should be included when available.
- c. The packet of documentation will be forwarded through the chain of command to the Commander of the Conduct Review Division.- Copies **will** also be forwarded to the Academy training staff and the Department Less-Lethal Advisor.

- d. When the Tactics Review Board feels there were tactics employed in a situation under review that may warrant consideration by the department for adoption as a tactical option, they will be forwarded to the Training Bureau for assessment and recommendations.
 - e. The Academy training staff and the Department Less-Lethal Advisor will review the information and give their written opinion regarding the proposed tactic to the Chief of Police.
 - f. If approved, the Academy will develop and implement an appropriate training plan for the new tactic, including whether the training will be conducted by Academy training staff, at the division/bureau level, or by some other source.
 - g. Officers trained in the new tactic will have the training documented in their training records.
- (6) All records of the Tactics Review Board are confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
- (7) Records of the Tactics Review Board will be retained by the Conduct Review Division.

105.11 Crisis Intervention Team

- (1) **DEFINITION:** CIT is an innovative first responder model of police-based crisis intervention that combines community, health care and mental health advocacy partnerships. CIT is a program that provides the foundation necessary to promote community solutions to assist individuals with a mental illness.
- (2) **PURPOSE:** The Crisis Intervention Training is a curriculum that provides officers with alternatives to incarcerating persons with mental illnesses that may be in crisis. The purpose of CIT is to reduce the incidents of violence, injury, and potential litigation. In addition to providing effective services to citizens within the City and County of Denver with mental illness, mental disabilities, or suicidal tendencies who are in crisis.
- (3) **PROCEDURE:**
- a. Anytime a citizen or officer makes a request to have a CIT officer present, the dispatcher shall be notified of the request.
 - b. Generally, CIT trained officers shall handle all CIT-related calls for service in the same manner as other calls for service. In addition, however, CIT officers shall:
 - 1. Be both allowed and encouraged to use as much time as they deem reasonable and necessary to successfully deescalate individuals who are in crisis.
 - 2. Use appropriate time and distance tactics to their advantage to successfully deescalate individuals that are in crisis.
 - 3. Use appropriate safety tactics to protect themselves and individuals who are in crisis, along with others that may be affected.
 - a. CIT officers shall use cover officers who are armed with less lethal and/or lethal weapons when appropriate.
 - b. CIT officers may use retreat as a positive tactic.
 - c. Once CIT officers are engaged in negotiations, they will be in control of the scene until relieved by a superior officer or department hostage negotiator.
 - d. CIT officers shall be permitted and encouraged to cross district boundaries to handle CIT related calls for service when needed.
 - e. CIT officers shall be dispatched to calls when the information received by the Communications Center indicates that mental illness, mental disabilities, or suicidal tendencies are present.
 - f. When available, CIT officers shall volunteer for calls for service that involve mental illness, mental disabilities, or threats of suicide.
 - g. CIT officers shall document all CIT incidents in the Records Management System (RMS) following the investigative and reporting procedures currently in place.

In addition to completing all required electronic and hand-written reports, CIT officers will complete a Street Check, DPD 305, in the MRE program that includes entity details about the subject and the text document utilizing the CIT template. After completing the Street Check, DPD 305, the CIT officers will send a brief MDT V-Mail message to the CIT Coordinator. ***(Refer to RMS Procedure Guide dated 03/07/2008 for instructions regarding the completion of this procedure.)***

- h. If a CIT form is deemed necessary by the CIT officer, the call completion code CT will be entered in the CAD by the dispatcher upon notification by the CIT officer.
- i. When circumstances warrant, CIT officers will follow-up with the person in crisis or the Mental Health agency to determine the outcome to establish whether further action is required.
- j. CIT officers shall follow the procedures outlined in OMS 104.30.
 - 1. If the CIT officer develops information regarding a respondent's current mental health treatment program, which indicates a Mental Health Hold is not the best course of action; the CIT officer may make alternative arrangements for the disposition of the respondent, such as transport directly to a mental health provider.

(4) DEPLOYMENT OF THE CRISIS INTERVENTION TEAM AS NEGOTIATORS:

- a. When requested by the Incident Commander at the scene of a barricaded suspect or hostage incident, the dispatcher shall contact an on-duty CIT officer and have them respond.
- b. If needed, the CIT officer will begin and continue negotiations until relieved by a superior officer or the department hostage negotiators.
- c. At the request of the department hostage negotiators, a CIT officer may assist with ongoing negotiations.

(5) CIT DISTRICT COORDINATOR RESPONSIBILITIES:

- a. Insure that CIT officers complete CIT Data Collection Forms in the RMS per RMS Procedure Guide dated 03/07/2008.
- b. Liaison to disability and mental health providers in the District.
- c. Attend quarterly meetings with Department Coordinator and District CIT officers as needed.
- d. Assist the Department Coordinator with the selection and training of CIT officers.

(6) DEPARTMENT CIT COORDINATOR/ADMINISTRATOR RESPONSIBILITIES:

- a. Retrieve CIT Data Collection forms from the RMS, review, and follow-up as needed.
- b. Establish quarterly meetings with district CIT Coordinators.
- c. Liaison to all disability and mental health providers.
- d. Liaison to other CIT law enforcement agencies.
- e. Develop training and continuing education in concert with current best practices.
- f. Coordinate and facilitate all CIT training sessions and updates.
- g. Coordinate with district coordinators on follow-up investigations of calls for police service involving individuals having experienced an acute mental health crisis or suffering from mental health disorders.
- h. Provide guidance and resources to entities, both inside and outside the Denver Police Department, regarding both CIT program and law enforcement response to the mental health community.

106.00 - EVIDENCE AND PERSONAL PROPERTY

106.01 Property Management Bureau Procedures (Revised 04/2013)

- (1) The Property Management Bureau is open 24 hours each day, every day of the year, for the purpose of receiving personal and evidentiary property coming into the possession of any officer or agent of the Denver Police Department, with these exceptions:
 - a. Documents of evidentiary value related to check/fraud cases will be delivered directly to the Fraud Unit or to the secured lock box located in the Property Management Bureau.
 - b. Altered or counterfeit U.S. currency is to be mailed directly to the U.S. Secret Service. See OMS 301.24.
 1. Counterfeit currency held for evidence for criminal state forgery charges filed by the Fraud Unit may be secured in the Fraud Unit's locked evidence box.
 - c. Found license plates that have no evidentiary value will be taken directly to the Traffic Investigations Bureau of the Special Operations Division or to the Records Section for disposition.
 - d. Hazardous, explosive, flammable, or noxious chemicals will be handled by the Hazardous Material Response Team from the Denver Fire Department. See OMS 210.01(2).
 - e. Any potentially explosive evidence, including vehicle air bags, will require notification of the Denver Police Department Bomb Squad for handling. Potentially explosive evidence, including vehicle air bags, will not be stored in the Property Management Bureau.
 - f. During the hours the Pawnshop/Bicycle Unit is closed, impounded bicycles will be temporarily stored at a district station.
 - g. Very large items or a large quantity of property may be photographed and examined for all reasonable and relevant DNA evidence, and fingerprinted by Crime Laboratory personnel at the scene. In lieu of recovering very large items, Crime Laboratory personnel will collect sections or samples from the item that may contain the relevant DNA evidence. The property can then be released to the owner or another responsible person without being brought to the Property Management Bureau.
 1. A member of the affected investigative bureau/section must respond to the scene to evaluate the validity of this request. The District Attorney's office must be consulted and agree to this handling of the evidence.
 2. The name, DOB, address, and form of identification presented by the person accepting the property shall be noted on the officer's log sheet. This information shall be included in any letter sent to the investigative unit assigned to the case.
- (2) Officers shall deliver all evidence or personal/found property to the Property Management Bureau at the earliest possible time before the end of their shift.
 - a. Property Management Bureau personnel will not respond to any scene for the purpose of picking up property or evidence to be stored in the Property Management Bureau. Officers can contact the Property Management Bureau for a truck whenever a large amount of property must be stored by the Police Department.
 - b. The officer delivering the property to the Property Management Bureau is responsible for completing all related paperwork. Such paperwork may include the Property Management Bureau's Invoice and Receipt, DPD 122, Personal Property or Evidence tags, DPD 309, Personal Property/Evidence envelopes or bags, DPD 23, Property Owner's Notification Card, DPD 351, and/or Request for Laboratory Examination, DPD 341.
 - c. Property Management Bureau personnel may refuse to accept any property/evidence for which the appropriate paperwork has not been completed.
 - d. Officers shall not use the inter-department mail to deliver any evidence, found property, or personal property to the Property Management Bureau, except for identification cards, drivers' licenses, or keys as defined in OMS 106.02(2).

- (3) The Property Management Bureau's Invoice and Receipt, DPD 122, (hereafter referred to as the Invoice) is the Property Management Bureau's source document and must be completed for all evidence and most personal/found property delivered to the Property Management Bureau.

- a. The Invoice consists of the original and one copy. The ORIGINAL is a permanent record that will be scanned into RMS by Property Management Bureau staff. The COPY of the Invoice is for the officer placing the evidence in the Property Management Bureau.
- b. All property will be categorized as:
 1. Evidence (E): Property that is attached to a criminal investigation.
 2. Personal property (P): Property that is not of evidentiary value but must be held for safekeeping for the owner.
 3. Found property (F): Property that is not of evidentiary value. The owner may or may not be known.
- c. The information on the Invoice must be complete and accurate. It is especially important that the following information be recorded on the Invoice:
 1. The General Session Summons & Complaint, DPD 287, Juvenile Summons & Complaint, DPD 386, or a General Occurrence (GO) report, DPD 250, case number.
 2. Name and serial number of the officer recovering the property.
 3. Names of **all prisoners associated** with the property that has been recovered.
 4. The correct street address where the property was recovered and/or where the offense occurred.
 5. The name of any finder, claimant, or victim associated with the property is needed to link General Occurrence (GO) reports with evidence. Invoices pertaining to multiple suspects and/or victims must have the name of suspect(s) and/or victim(s) listed in the appropriate victim/prisoner spaces on the Invoice. Additionally, the Invoice must have the name of the owner of each item placed in the body of the Invoice, next to the item recovered. This is especially important in serious cases such as homicide, aggravated assault and sexual assault, where the owner's name must appear beside each separate item of clothing and forensic specimen.
 6. The preferred method for listing property being invoiced in the Property Management Bureau on the Invoice is to list the items in this order:
 - a. Money
 - b. Drugs/narcotics
 - c. Guns/ammo
 - d. All other property
 7. Descriptions of evidence must be accurate. Information such as serial number, make, model, type of action for guns, and color must be included on the Invoice
- d. When placing items in the Property Management Bureau that were seized pursuant to the execution of a search warrant, the officer will complete only the top part of the Invoice, and attach a photocopy of the Return and Inventory, DPD 373. See OMS 104.11.
- e. The only time it is not necessary to complete an Invoice is for identification cards, keys, or a driver's license that the officer has found or inadvertently failed to return to the owner. See OMS 106.02(2) Personal and Found Property.

106.02 Personal and Found Property (Revised 10/2014)

- (1) Any officer coming into possession of personal and/or found property shall bring such property to the Property Management Bureau at the earliest possible time before the end of the officer's shift. Officers shall not use the inter-departmental mail system for this purpose.
- a. An Invoice will be completed and the property will be properly packaged for identification.

- b. Any information that could assist Property Management Bureau personnel in locating the owner(s) of the property must be included on the Invoice.
- c. In the absence of an owner, officers will include: name and address of the finder and/or claimant.
- d. When the property owner is known, the officer transporting the property to the Property Management Bureau will also complete the Property Owner's Notification Card, DPD 351.
 - 1. When personal property is removed from an impounded vehicle and taken to the Property Management Bureau for safekeeping, this information must be noted on the Impounded/Recovered Vehicle Report, DPD 224. The impounding officer should also leave a note on the vehicle instructing the owner to contact the Property Management Bureau to retrieve the property.
 - 2. If personal property is removed from a residence, business, or similar premise, the officer removing such property should leave a note at the site instructing the property owner to contact the Property Management Bureau to retrieve the property.
 - 3. When it is necessary to place personal property belonging to a hospital patient in the Property Management Bureau, a note stating the officer's name, serial number, the name of the patient, and a brief description of the property should be left with the records kept by the hospital. The officer shall request that the patient or family contact the Property Management Bureau to retrieve the property.

(2) Prisoner personal property, including oversized items, will be relinquished to the Denver Sheriff Department at the time of custody exchange. Arresting officers will inspect all prisoner property and inventory each item in the Arrest Notes-Personal Property section of the Unified Summons and Complaint (US&C) prior to the custody exchange or the property being left at the district holding cells awaiting scout car transport. The Denver Sheriff Department is the final authority on what items are considered contraband.

- 1. Items classified as contraband, including weapons, marijuana, substances that are illegal or not appropriate to be stored in a jail environment and/or items that are not accepted by the Denver Sheriff Department will be brought to the Property Management Bureau for safekeeping. The officer placing such property in the Property Management Bureau will complete the Property Owner's Notification Card, DPD 351, and hand-carry it to the Detention Center to be placed in the prisoner's property bin.
- 2. Arresting officers that fail to discover contraband within the property of the prisoner they process will be required to return to the detention center to address the item. In the absence of the arresting officer, the supervisor of the arresting officer will be required to assign an alternate officer to respond.
- 3. Food and all other perishable items will be disposed of for health reasons.
- 4. If the prisoner is transported to a district station and video capabilities are available, all prisoner property will be placed on the designated counter (as identified by the district commander) and inventoried. Once the inventory is complete and captured on video, all items will be placed in a plastic bag. The plastic bag must be heat sealed, taped closed or stapled when practical. If video capabilities were available at the time of inventory, the arresting officer will note this in the Arrest Notes-Personal Property section of the US&C. If the inventory process is not able to be documented via video, officers will note that in the miscellaneous text field of the Arrest Notes-Personal Property section of the US&C.
- 5. Money on a prisoner that is deemed personal property must be counted and noted in the Arrest Notes-Personal Property Section of the US&C and will remain on the prisoner throughout the arrest process or while in the custody of a Denver Police Officer. Cash amounts between \$300.00 and \$4,999.99 require that the accuracy of the count be verified by a second officer. Cash amounts of \$5,000.00 or more require that the accuracy of the count be verified by a supervisor. The name and badge number of the verifying officer will be noted in Arrest Notes-Personal Property section of the US&C, in the OTHER field. If a prisoner does not have any money, this will be noted as NONE, in the MONEY field of the Arrest Notes-Personal Property section of the US&C. See OMS 106.03(3)d.

- (3) Officers shall make every effort to return all forms of identification at the conclusion of any contact. Identification cards, drivers' licenses, Social Security cards, credit cards and keys that an officer has found or inadvertently failed to return to the owner(s) must be delivered to the Property Management Bureau. However, it is not necessary for the officer to complete an Invoice.
- The ID cards, Social Security cards, credit cards, keys, and driver's licenses shall be placed in an envelope. The outside of the envelope will contain the officer's name, serial number, assignment, a brief description of the contents, the name/address of the owner, and where the property was found or recovered.
 - The officer recovering this property shall complete a Citizen's Notification Card, DPD 351, and present this card to the Property Management Bureau employee on duty.
 - The envelope may be delivered to the Property Management Bureau by the officer or the officer may use the inter-departmental mail to deliver it. If inter-departmental mail is used, a completed Citizen's Notification Card, DPD 351, must accompany the property.
 - All inquiries from citizens concerning retrievable property shall be referred to the Property Management Bureau's release phone located in the lobby at Headquarters; The telephone number is 720-913-6589.
- (4) The owner(s) of any item classified as personal property must be notified by the submitting officer that the Denver Police Department holds such property for **ONLY 30 DAYS** before it is disposed of or sold at public auction.
- (5) Property, that has not been declared to be contraband, found by a citizen, and turned over to the Police Department for safekeeping can be claimed by the finder at the end of the 30-day period if the owner has not been identified or the property claimed. (D.R.M.C. Sections 42-78(b) and 42-83). The citizen shall be instructed to contact the Commander of the Property Management Bureau to make such claim.

106.03 Evidence Handling Procedures (Revised 04/2013)

- Any property destined to become evidence in a criminal case must be brought to the Property Management Bureau or to a remote evidence locker authorized by the Property Management Bureau for the temporary storage of evidence without delay, except for very large items or large quantities of property. See OMS 106.01(1)f and 106.03 (6).
- The officer bringing the evidence to the Property Management Bureau must complete an Invoice, listing each item being placed into evidence. If the evidence has been seized pursuant to the execution of a search warrant, the officer will complete only the top part of the Invoice, and attach a photocopy of the Return & Inventory, DPD 373. See OMS 104.11 and 106.01(3)e.
- Each item of evidence must be properly identified and correctly packaged or tagged.
 - Unless there is a compelling reason, all weapons brought to the Property Management Bureau will be unloaded. Ammunition will be packaged separately from the weapon. **Loaded weapons must be brought to the attention of the Property Management Bureau staff so that Crime Laboratory personnel can be called to safely unload the weapon.**
 - Drugs/narcotics will be sealed inside a plastic evidence bag, separate from all other evidence. Heat-seal the top after initialing and dating the bag. The sealed bag will then be placed in the appropriate sized Property/Evidence envelope, DPD 23, or box, and sealed with evidence tape. Initial the evidence tape. An exception is made for freshly picked marijuana that must be packaged in paper. The bag/box will be sealed with red evidence tape and initialed.
 - The responsibility for accurately counting any money placed in the Property Management Bureau rests with the officer submitting the cash.
 - Officers submitting large quantities of U.S. currency (referred to as cash) to the Property Management Bureau may use a coin and bill counter there to expedite the count.
 - Generally, coin and paper bills will be separated.

- a. Paper bills will be sorted by denomination. The quantity of each denomination will be listed in the space provided on the face of the Money Envelope, DPD 23M. The officer(s) submitting the money to the Property Management Bureau will complete the calculations, indicate the total amount of cash being submitted, place the money into the tamper-evident Money Envelope, seal it, and remove the numbered receipt.
- b. Coin
 1. Large amounts of coin will be sealed in a separate plastic, tamper-evident envelope after being counted. If using the detail tape printed by the coin counting machine, the officer(s) submitting the coin will record the quantity of each denomination, calculate the total amount, place the coin and the detail tape inside the Money Envelope, seal the bag, and remove the numbered receipt.
 2. Small amounts of coin may be placed in the same envelope as paper bills.
3. The officer submitting the cash will seal it in the appropriate plastic bag after the money has been counted.
 - a. Cash amounts from .01¢ or more, but less than \$300.00, will be sealed in the completed tamper-evident Money Envelope, DPD 23M, provided by Property Management Bureau personnel. The signature of the officer sealing the money in the Money Envelope must be affixed to the plastic, tamper-evident Money Envelope. The completed plastic Money Envelope will be put inside a completed Blue Property Envelope, when size allows.
 - b. Cash amounts that are \$300.00 or more but less than \$5,000.00 requires that the accuracy of the count for all cash seized from the incident be verified by a second officer. This officer will not be an officer assigned to the Property Management Bureau. The signature of the second officer verifying the count must be affixed to the plastic, tamper-evident Money Envelope. The completed plastic money envelope will be put inside a completed Blue Property Envelope when size allows.
 - c. Cash amounts that are \$5,000.00 or more require that the accuracy of the count for all cash seized from the incident be verified by a supervisor or commander. This supervisor or commander will not be assigned to the Property Management Bureau. The signature of the supervisor or commander verifying the count must be affixed to the plastic, tamper-evident Money Envelope. The completed plastic money envelope will be put inside a completed Blue Property Envelope when size allows.
4. Once the cash has been sealed in a tamper-evident money envelope, the envelope will only be opened by the officer submitting the cash, or by two or more representatives of the Property Management Bureau as outlined in the Property Management Bureau procedures.
5. The officer submitting cash that has been placed in the plastic, tamper-evident Money Envelope will remove the perforated, numbered receipt from the Money Envelope. This numbered receipt will be retained by the officer to ensure the chain of custody has been maintained.
6. The total amount of cash placed in the Property Management Bureau and the Money Envelope receipt number must be recorded on the Property Management Bureau Invoice and the exterior of the evidence envelope or bag.
7. Collector's coins, such as proof sets or gold coins that are packaged for display, will be separated from other cash. The value of such coins shall not be included in the final total of cash being placed into the Property Management Bureau.
8. Foreign money is handled as any other paper evidence. These documents are not placed in the safe.

9. The investigating detective at the scene of all homicides, suicides, or police shootings will be responsible for placing any currency (evidence or personal property) in the Property Management Bureau. This will exclude Crime Scene Unit detectives.
10. Officers will refer to OMS 304.10 for seizing money related to a narcotics investigation and/or charge.
 - a. Once approved by the Narcotics Section, the seizing officer will respond to the Property Management Bureau with the money, where it will be inventoried and receive a Property Management Bureau number. The money will be placed into a completed tamper-evident bag and sealed. If approved, the officer placing the money into the Property Management Bureau must inform the staff that the money must be placed in a "clean" safe.
 - b. The tamper-evident bag will be placed inside a vapor-proof plastic bag that will be initialed, heat-sealed by the seizing officer, and returned to the Property Management Bureau staff to be placed in the "clean safe."
 - c. It is the responsibility of the investigator in charge to arrange to have the money submitted for a "sniff" test by a drug detection dog at the earliest possible opportunity. After the "sniff" test, the money will be transferred to the vault in the Property Management Bureau.
 - d. Money will not be stored in the "clean" safe for more than 30 days. After 30 days the money will be transferred to the vault in the Property Management Bureau.
 - e. Documentation of the route and chain of custody of monies seized under these circumstances will become part of the criminal and/or civil case file.
 - f. Results of the "sniff" test will be documented in the civil and/or criminal case filed by the assigned detective.
 - g. Opened evidence bags, though no longer usable, must be returned to the Property Management Bureau to prove the chain of custody.
- d. Money Disposition:
It is the policy of the Property Management Bureau to deposit most cash in an off-site account. Cash will only be held in the Property Management Bureau safe if it is determined that the cash itself has intrinsic evidentiary value and is vital to the prosecution of the case or if the cash is determined to be a collector's item worth more than its face value.
 1. When money is submitted on felony cases it will be the responsibility of the assigned detective to meet with the Intake DA and reach a decision regarding whether the actual item of cash must be held as evidence. The assigned detective and the Intake DA must complete a Money Disposition Sheet, DPD 619, and return it to the Commander of the Property Management Bureau for processing, if the money is to be held longer than the required 120 days stated in the Property Management Bureau policy.
 2. Officers who are going to try and seize the money are instructed to check the appropriate box on the Money Disposition Sheet, DPD 619, indicating the planned seizure. The detective will also talk with the Intake DA about the planned seizure. Signatures of the DA and assigned detective are required on the form.
 3. Money will not be taken from suspects unless it is evidentiary in nature or is found property. Money on a prisoner that is personal property will remain with the prisoner through the booking process at the Detention Center.
- e. Officers shall wear protective gloves whenever handling property, particularly clothing, belonging to a known carrier of infectious disease or bug infestation. This information **will be brought to the attention of the Property Management Bureau staff on duty at the time the evidence is invoiced in the Property Management Bureau.**
- f. Clothing:
 1. When collecting clothing as evidence at the scenes of serious crimes against persons, such as homicide, aggravated assault, and sexual assault, each separate item of clothing recovered from each suspect and each victim must be collected and packaged in separate paper bags.

- a. Evidentiary value is lost when one clothing item comes into contact with another, thus contaminating them both, or when clothing is separated or moved from one bag to another.
 - b. The item description, name of the person from whom the item was recovered, and the Property Management Bureau Invoice number must be listed on each paper bag.
- 2. Under no circumstances can bloody or wet clothing be packaged in plastic. The plastic reduces the circulation of air and causes blood-soaked or damp clothing to decompose. The officer bringing such clothing to the Property Management Bureau must inform the staff that the clothing is bloody or wet so that arrangements can be made to dry the items.
- 3. The officer placing clothing of evidentiary value in the Property Management Bureau must check all pockets for money, drugs, or other contraband. If any is found, each must be listed as a separate item on the Invoice.
- 4. Clothing can contain DNA evidence from both victims and offenders. Officers collecting and preserving clothing must utilize all necessary precautions to avoid cross-contamination or loss of the evidentiary value of the clothing item.
- g. Paper bags, plastic bags, boxes, and tags are available in the Property Management Bureau. The officer shall consult the staff on duty, when there are any questions about the best way to package evidence.
- (4) Evidence requiring laboratory analysis will be taken to the Property Management Bureau. Evidence will be identified and properly packaged. An Invoice will be completed.
 - a. When a suspected controlled substance must be analyzed, the investigator assigned to the case will complete a Request for Presumptive Screening, DPD 705. The investigator is required to physically inspect the contraband and complete one request for each item to be analyzed.
 - b. Officers bringing evidence to the Property Management Bureau that requires fingerprint processing will complete a Request for Laboratory Examination template, DPD 341, at the time the evidence is invoiced. Such property must be handled carefully so that fingerprint evidence will be protected.
 - c. The assigned investigator shall complete the Request for Laboratory Examination in all felony crimes against persons, such as sexual assault or homicide.
- (5) Officers submitting compact disks containing video, photographic, or audio recordings requiring additional investigation by detectives will complete the following steps:
 - a. The officers shall complete all necessary property invoices and envelopes for the disk.
 - b. Upon completion of the duplication process, the submitting officer will place the original disk into evidence and forward a duplicate disk to the unit responsible for the investigation.
- (6) Remote Evidence Lockers. Secure evidence lockers have been installed at various police facilities throughout the city to allow officers to submit evidence without coming to Headquarters. The lockers are commercially manufactured to meet or exceed recommended guidelines for the submittal of evidence. The proper use of these lockers will ensure evidence continuity and minimize contamination risks to the evidence.
 - a. The following items cannot be deposited in the Remote Evidence Lockers and must be transported to the Property Management Bureau:
 - 1. Bloody clothing that requires drying.
 - 2. Any wet or soiled items that will leak through paper storage bags.
 - 3. Sexual assault kits collected from hospitals or clinics that require refrigeration.
 - 4. Blood samples from DUI cases that require refrigeration.
 - 5. Any item that requires refrigeration to prevent spoilage.
 - 6. Personal property belonging to prisoners. (These items are the responsibility of the Denver Sheriff's Department.)

7. Bulk items that do not fit into the evidence lockers provided.
 8. U.S. currency exceeding \$5,000.00
- b. Officers are required to follow all procedures for submitting evidence as if they were submitting the items in person at the Property Management Bureau. Officers are encouraged to call the Property Management Bureau at 720-913-6718 regarding any question about packaging or processing their evidence. Officers submitting evidence by using the Remote Evidence Lockers will:
1. Package each piece of evidence or personal/found property as directed in the Packaging Manual located near the evidence lockers.
 2. Complete the Property Invoice DPD 122 form itemizing each piece of property with the corresponding item number placed on the packaging container.
 3. All evidence will be placed in envelopes, boxes, bags and other containers as outlined in the Packaging Manual, and must be sealed with evidence tape by the submitting officer to prevent contamination and ensure the integrity of each piece of evidence.
 4. When all the evidence or personal/found property has been processed, the submitting officer will place the completed Invoice and all items listed on it inside one of the evidence lockers and secure it.
 5. Once secured, the only access to the contents of the locker will be by personnel assigned to the Property Management Bureau.
 6. The cylinder key that opens the evidence lockers is controlled by the Property Management Bureau. The key is secured in the Property Management Bureau at all times unless it is checked out to the bureau staff assigned to retrieve evidence from the Remote Evidence Lockers.
- c. Property Management Bureau staff will process the items located in the Remote Evidence Lockers on a daily basis, as follows:
1. A Property Management Bureau employee will respond to police facilities that house Remote Evidence Lockers, daily, 2030-0030 hours, for the purpose of retrieving items secured in the lockers and replenishing supplies needed for evidence packaging.
 2. The Property Management Bureau employee will open one locker at a time, in the presence of an officer or supervisor, and compare the contents of the locker with the Invoice to ensure that all listed items are accounted for. The employee will note the evidence locker number on the upper left-hand corner of the invoice to assist with later processing.
 3. After the items are removed, the Property Management Bureau employee will wipe the interior of the locker with sterilizing wipes and leave it in the unlocked position for future use.
 4. The contents of each locker will be stored in separate containers for transport to the Property Management Bureau.
 5. The evidence or personal/found property will be transported to the Property Management Bureau and processed immediately.
 6. A copy of the invoice will be scanned into Versadex as an image to allow the submitting officer to view or refer to the invoice at any time.
- d. In cases where there are discrepancies between what is listed on the Invoice and what is in the locker, or items are not packaged properly, the following procedures will be followed:
1. When there are additional items in the locker that are not on the Invoice, the district supervisor will be allowed to add the items to the Invoice and will be listed on the Invoice along with the submitting officer.
 2. For items that are on the Invoice but not in the locker, the district supervisor will be required to initial the Invoice, acknowledging that the item was not in the locker. The remaining items will be processed; however, the missing items will not be entered into Versadex since they were never received by Property Management Bureau personnel.

3. In cases where irregularities with the evidence cannot be resolved by the district supervisor, the error will be noted on the Invoice and initialed by the district supervisor. The item will be transported to the Property Management Bureau.
 - A. The item and the Invoice will be placed in a temporary locker in the Property Management Bureau, and the submitting officer will be required to respond to the Property Management Bureau as soon as practical after their next scheduled roll call to correct the errors.
 - B. In the event that the original submitting officer is not available for a period exceeding 72 hours from the original submittal, the officer's supervisor listed in TeleStaff will be contacted and be required to respond to the Property Management Bureau to address the errors.
4. Any investigation regarding errors or missing items shall be the responsibility of the submitting officer's commander.

106.04 Release of Personal and Found Property

- (1) The Property Release Section is located on B-1 of Police Headquarters, and is open Monday through Friday, holidays excepted, from 7:00 a.m. to 3:00 p.m. This office can be contacted by telephone at 720-913-6718.
- (2) Personal property can be released to the owner without any additional paperwork required of the officer invoicing it in the Property Management Bureau.
- (3) Personal property may be retrieved by persons other than the owner upon presentation of a notarized letter authorizing the release of the property.
- (4) Unclaimed property may be released to the finder in accordance with provisions of the Denver Revised Municipal Code (D.R.M.C.). See OMS 106.02(4).

106.05 Evidence Withdrawal Procedures

- (1) The withdrawal of any item from the Property Management Bureau will be noted in the Versaterm Evidence Continuity Section of RMS and require the withdrawing party to enter their PIN.
- (2) Evidence may be withdrawn from the Property Management Bureau for these reasons:
 - a. For analysis by personnel in the Crime Laboratory.
 - b. For examination by members of a concerned investigative bureau/section within the Denver Police Department.
 - c. Presentation in court.
 - d. Release to another law enforcement agency.
 - e. For analysis or examination by an authorized agency outside the Denver Police Department.
 - f. To be shown to a victim, witness, or other person related to an investigation.
 - g. Release to the owner.
 - h. Evidence may not be withdrawn for any other purpose except with the written consent of the Chief of Police, Deputy Chief of Police, or the commander of the division to which the investigating officer is assigned.
- (3) Those authorized to withdraw evidence include the officer originally invoicing the property, the investigator assigned to the case, personnel assigned to the Crime Laboratory, members of the prosecuting attorney's office, investigators assigned to the prosecuting attorney's office, and supervisors or commanders of the division to which the investigation responsibilities have been assigned.
- (4) Currency seizures of \$5,000 or more, placed in the Property Management Bureau, may be removed only by the commander of the bureau responsible for the investigation, who will be present and sign the property release form.

- (5) The person withdrawing evidence from the Property Management Bureau is responsible for returning the evidence within the timelines listed below or completing the necessary paperwork; documenting the location of such property if it is not returned to the Property Management Bureau within the required time. Items not accounted for within the prescribed timelines will be reported to the Commander of the Property Management Bureau for immediate review.
- (6) Any evidence withdrawn from the Property Management Bureau must be returned within the following timelines:
 - a. Detective and officers: Items withdrawn will be returned within 24 hours.
 - b. Denver District Attorney or DA investigators: Items withdrawn will be returned within 14 days.
 - c. Denver Police Crime Lab: Narcotics items will be returned within 24 hours of receipt. All other items will be returned within 30 days.
- (7) The following exceptions to returning evidence within the stated timelines include:
 - a. Such evidence is retained by the court. The withdrawing officer shall require that the court officer authorizing the retention of the evidence complete a signed letter containing their legible printed name, court room number and case number relating to the evidence. The letter will be delivered to the Property Management Bureau and scanned into the RMS with the appropriate comments made in the storage section.
 - b. The evidence is returned to the owner. Property Management Bureau Receipt, DPD 10 will be completed and returned to the Property Management Bureau without delay. The signatures of the officer releasing the evidence and the owner accepting the evidence must appear on the receipt.
 - c. The evidence is to be permanently retained by an outside law enforcement agency. A Property Management Bureau Receipt must be completed and returned to the Property Management Bureau.
 - d. The necessary examination requires an extended period of time. A letter on an Inter-department Correspondence, DPD 200, explaining the circumstances of this extended delay, must be hand-carried to the Property Management Bureau and scanned into the RMS with the appropriate notations made in the storage control field.

106.06 Disposition of Evidence (Revised 04/2013)

- (1) Weapons taken from offenders shall be held in the Property Management Bureau until the final determination of the prosecution of the offense.
 - a. If the defendant is found guilty, the court may order the forfeiture of the weapon.
 - b. Any weapon ordered forfeited by the court shall remain in the custody of the Chief of Police until the weapon is destroyed.
 - 1. By January 31 of each year, the Chief of Police shall provide to the Presiding Judge of the County Court, an inventory of all weapons confiscated and ordered forfeited during the previous year.
 - 2. If a weapon that has been confiscated and ordered forfeited can be used for training, repairs, or similar uses, it shall become the property of the Police Department.
- (2) Release of any property held as evidence requires written authorization.
 - a. The prosecuting attorney may authorize release of evidence no longer needed in the adjudication process and will notify both the investigator assigned to the case and the Property Management Bureau of this decision.
 - b. The commander/supervisor of the bureau to which an officer/investigator is assigned may authorize release of evidence being held by the Denver Police Department.
 - c. The officer placing evidence into the Property Management Bureau or the investigator assigned to the case may authorize release of evidence no longer needed for the adjudication process.

- d. C.R.S. §18-1-1102 requires the preservation of DNA evidence related to Class I felonies or those cases where an indeterminate sentence exists. In such cases, the Denver Police Department must maintain all reasonable and relevant evidence that may contain DNA for the life of the defendant sentenced to the Department of Corrections for life or, when not filing charges, for the length of the statute of limitations.
 - e. C.R.S. §18-1-1103 regulates the destruction and disposition of evidence that may contain DNA. The Denver Police Department shall not dispose or, or cause the destruction of, any evidence that may contain DNA without the expressed written permission of the District Attorney for the Second Judicial District, or by court order permitting the destruction.
- (3) Except under circumstances involving DNA evidence, an authorized member of the investigative team requesting release of evidence may:
- a. Respond to the Property Management Bureau to obtain a computer printout of the evidence being held by the Police Department. The upper portion of the computer printout must be completed by the officer/investigator authorizing release of the evidence. The release disposition, name, and address of the person to whom the evidence is to be released, officer's/detective's signature, serial number, and date must appear on the printout.
 - b. Request that Property Management Bureau personnel fax the printout to a convenient site within the Police Department so that the release information can be noted. The completed printout may then be returned via fax to the Property Management Bureau.
 - c. Complete the authorization for release or disposal through the RMS under case management.
- (4) Evidence that can be returned to the rightful owner should be photographed and released as soon as possible. The owner and the property being released shall appear in the photograph.
- (5) As soon as the release of any item being held as evidence is authorized, the item becomes classified as personal property and is subject to the procedures in OMS 106.04. Personal property may be disposed of by the Property Management Bureau after 30 days.
- (6)
- a. It is the responsibility of the officer or investigator receiving the notice to determine the status of the case captioned on the printout or Vmail.
 - b. Officers/investigators must return the signed computer printout or respond to the Vmail transmission with the appropriate disposition noted within 10 days of receipt.
 - c. All requests to release evidence must include the name and complete address of the person to whom the property is to be released. It is the responsibility of the releasing officer/investigator to notify the owner that the property is ready to be picked up at the Police Administration Building in the Property Release Section via the Security Desk personnel.
 - d. All requests to hold evidence must include the name and serial number of the officer or investigator assigned to the case as well as the DPD case number.
 - e. Officers/investigators will mark "destroy" on the computer printout listing contraband, such as an illicit drug or illegal weapon, that is no longer needed for the adjudication process.
 - f. Officers/investigators will mark the computer printout "sell/destroy" for all property not being held for court presentation, released to the owner, or destroyed as contraband. Final disposition of the evidence will be determined by Property Management Bureau personnel in accordance with the provisions of the Denver Revised Municipal Code (D.R.M.C.).
- (7) The Commander of the Property Management Bureau has the authority to dispose of evidence being held for General Sessions Summons and Complaint and Juvenile Summons and Complaint cases whenever the recovering officer has separated from the Classified Service and/or the statute of limitations in such instances has expired.
- (8) The preceding evidence release procedure notwithstanding, evidence held in relation to any death investigation will be handled in the following manner:
- a. Definitions of death investigations will include, but are not limited to; homicide, suicide, known and unknown dead, accidental, and traffic fatalities.
 - b. Evidence held in any death investigation will be maintained until the investigation into the death has been thoroughly examined by the unit, section, or bureau responsible for the case.

- c. Without exception, evidence held in relation to a death investigation will not be destroyed or disposed of without approval of the commanding officer of the Homicide Unit, in consultation with the Commander of the Major Crimes Division and the District Attorney.
- d. Once the decision to destroy, dispose, or return evidence in a death investigation is made, it will be the responsibility of the commanding officer of the Homicide Unit to approve its release.
- e. Evidence held in relation to any traffic fatality will be destroyed or disposed of only after its release has been approved by the commanding officer of the Traffic Investigations Bureau, in consultation with the commanding officer of the Homicide Unit and the District Attorney.
 - 1. This procedure will be completed to ensure that persons killed in apparent traffic accidents are not the victims of foul play.
- f. Evidence disposition procedures will follow those outlined in OMS 106.06 (6).
- g. Disposition or destruction of DNA evidence will follow the procedures outlined in C.R.S. §18-1-1103.
- h. Once evidence disposition has been decided, irrespective to holding, releasing, destroying, or selling, a copy of the disposition document will be placed into the case investigation file impacted by the disposition.
- i. Questions regarding the procedure to use with respect to evidence in a death investigation may be directed to the commanding officer of the Homicide Unit.

106.07 Crime Scene Evidence

- (1) The Crime Laboratory shall be called in all cases of homicide, suicide, police shootings, burglary/sexual assault, and other cases in which physical evidence may assist in solving and proving the crime.
 - a. Crime Laboratory personnel will conduct the actual search, collect the evidence and transport, or have it transported to the Property Management Bureau.
 - b. All fingerprinting will be done by qualified personnel from the Crime Laboratory.
 - c. Crime Laboratory personnel, in consultation with the investigating detective, will determine when the collection of DNA evidence is reasonable and relevant. The investigating detective will document in their supplementary report the reason(s) for collecting, or not collecting, evidence that may contain DNA.
 - d. Investigators who later come into possession of evidence requiring examination shall take the evidence to the Property Management Bureau as soon as possible.
 - e. When trace evidence is submitted to the Crime Laboratory for examination, samples from a known source should be obtained, packaged separately to prevent cross-contamination, and submitted with the evidence from the unknown source whenever possible. Trace evidence includes, but is not limited to, hair, fibers, fabric, paint, glass, wood and soil.
- (2) Officers called to, or happening upon, the scene of a crime or suspicious death shall take immediate steps to protect the area and prevent the destruction, mutilation, concealment or contamination of physical evidence, call the Major Crimes Division, and ask for any other assistance as may be necessary.
- (3) The ranking detective at the scene will be in full charge of the investigation when present. In the absence of a detective, the Crime Laboratory personnel will take full charge.
- (4) Officers at the scene of a homicide shall not handle any object or make a search of a body until the Medical Examiner has made an investigation, or permit any other person to do so. Particular caution will be exercised and careful attention paid to the body and effects of the victim in assault cases and to any fingerprints that may be on weapons or other articles used in the crime.
- (5) Officers discovering a suspicious death or suicide shall assume that the death is criminal homicide and proceed accordingly. They shall investigate all deaths when there are reasonable grounds to suspect that the death was not due to natural causes. The dispatcher and the Major Crimes Division shall be notified at once.
- (6) When the search for suspects at a crime scene has been completed, and the Crime Laboratory has been called, officers shall secure the scene and limit any further search pending arrival of Crime Laboratory detectives.

(7) Fingerprint Evidence

- a. The Crime Laboratory shall be called whenever the officer believes there is a possibility of obtaining latent prints.
 - 1. Particular attention should be given to glass that has been broken out or removed from the point of entry, and to items with clean, smooth, non-porous surfaces.
 - 2. The Crime Laboratory may also be called in instances of strictly "public relations."
- b. Trained laboratory personnel will print all evidence.
- c. Officers may take small articles to the Property Management Bureau for later examination by the Crime Laboratory.

(8) Processing Motor Vehicles for Evidentiary Items

- a. Vehicles impounded for serious crimes, i.e., homicide and sexual assault, where there is the possibility of forensic evidence within the vehicle, will be impounded at one of the five facilities in the City and County of Denver approved for the secured storage of vehicles, pending evidentiary processing by the Denver Police Crime Laboratory. Those facilities are at District One, District Two, District Three, Crime Laboratory Garage, Denver City Impound Lot and the Traffic Operations Bureau.
- b. The decision to store a vehicle in one of these secured facilities must be approved by a detective or supervisor from the affected investigative unit. If on-duty personnel from the affected unit or Crime Laboratory staff are unavailable, contact the on-call detective or supervisor corresponding to the affected unit through Denver 911.
 - 1. A tow slip will be made by the towing officer at the time the vehicle is placed in the cage for processing.
 - 2. The assigned detective or supervisor shall be responsible for coordinating the processing of the vehicle with the Crime Laboratory.
 - 3. The assigned detective will be present at the time the vehicle is processed. The detective is responsible for documenting the evidence recovered from the vehicle.
 - 4. Crime Laboratory personnel will collect all reasonable and relevant DNA evidence or the material where the evidence may exist, prior to the release of the motor vehicle.
 - 5. Maintaining motor vehicles indefinitely as evidence is impractical. Vehicles shall be processed within 72 hours of placement. Should it become necessary to hold a vehicle beyond 72 hours, the detective or supervisor shall give written justification for the extended hold, which must be approved by the commander of the affected investigative section or bureau.
- c. Motor vehicles involved in theft from motor vehicle cases or recovered local steals may be printed if it is probable that printable surfaces have been handled by the suspect.
- d. Important trace material having further probative value should not be overlooked by officers recovering stolen vehicles. It should be emphasized that in the recovery of a stolen vehicle the officer must be extremely circumspect in terms of searching for such contraband as narcotics, stolen property, weapons, bullet holes, etc., as well as procedural disposition of personal property.
- e. Any officer recovering a stolen vehicle shall make a thorough and complete search of the vehicle and its contents. The officer shall then note in detail the results of the investigation on the Impounded/Recovered Vehicle Report, DPD 224, documenting any unusual situation or condition of the vehicle, the contents of the vehicle, and disposition of all articles found in the vehicle. Special notice shall be made on the Impounded/Recovered Vehicle Report of any existing damage to the vehicle being impounded. See OMS 206.04.
- f. Crime Laboratory personnel will not process any impounded vehicle unless a Request for Laboratory Analysis template, DPD 341, has been received.
 - 1. When a vehicle is impounded with a hold for prints or for other evidentiary purposes, the officer having the vehicle impounded will complete all four copies of the Impounded/Recovered Vehicle Report. See OMS 206.04.

2. The detective assigned to the case involving the impounded vehicle will determine if the vehicle needs to be processed by the Crime Laboratory.
 - a. The detective will complete the Request for Laboratory Analysis template, and forward it to the Crime Laboratory supervisor.
 - b. If the request for analysis is approved, the Crime Laboratory supervisor will assign an investigator to process the impounded vehicle.
 - c. The results of the Crime Laboratory's findings will be made available to the requesting detective.

106.08 Photographic Evidence

- (1) The detectives assigned to the Traffic Investigations Bureau shall be responsible for ensuring that an adequate number of photographs are taken of accident scenes under their investigation. Crime Laboratory personnel shall be utilized to photograph any serious injury or fatal accident scene as deemed necessary by the assigned investigator of the Traffic Investigations Bureau.
- (2) Photographic equipment such as digital cameras, and/or video cameras issued to units and bureaus are to be used to document visual evidence and other appropriate police business. When documenting visual evidence in serious crime scenes, Crime Laboratory personnel will be utilized. See OMS 106.07 and 106.08. In instances where a response by the Crime Laboratory Bureau is not appropriate, officers will use the equipment assigned to their bureau. This equipment may also be utilized to document departmentally sponsored public relations or ceremonial events. Utilization of department photographic/video equipment for other than official police business is prohibited.
 - a. When officers, other than personnel from the Crime Laboratory, photograph/video any portion of any scene, or document any evidence, these images will be surrendered promptly to the detective in charge of the investigation for inclusion in the case. In the event there is no detective assigned (County Court cases), these images will be placed into evidence for later use in court.
 - b. Departmentally owned photographic/video equipment, and all images produced thereby, remain the sole property of the Denver Police Department. Officers are strictly prohibited from reproducing, displaying, or distributing these images (either digital or photographic) in any manner except for official purposes. Prior written approval of a command officer is required for using department images as training aids.
 - c. The use of personal cameras/video by any officer acting in an official capacity at crime scenes, accidents, or natural disasters is expressly forbidden. Officers on- or off-duty, who gain access to any scene on the basis of their status as an officer, will be deemed to be acting in an official capacity. In the event personal equipment is used in an emergency to document perishable evidence, those images produced will be considered case evidence and governed by the provisions in OMS 106.08 (2) b. All such images will be surrendered to the detective in charge of the case at the earliest possible convenience.
- (3) Officers shall instruct all doctors, medical examiners, or paramedics who may be at the site of a homicide, not to disturb the scene or the body in any manner until all necessary photographs have been taken. Photographs can be disqualified as evidence if the original scene is changed in any way.
- (4) Photos will be taken at the scene of all homicides, suicides, and questionable deaths. Video photography will be at the discretion of the officer in charge of the investigation. Photographs of victims of sexual assault, aggravated assault, child abuse, and other personal injury cases will be taken by Crime Laboratory personnel at the photo studio located at the Crime Laboratory. The investigating detective must be present when photographs are taken for presentation in court. If the victim is female, a female city employee will be present at all times when photographs are taken. Crime Laboratory personnel will not be dispatched to victim's homes or to any hospital without prior approval from a Crime Laboratory supervisor or commander.
- (5) Personnel assigned to the Forensic Imaging Unit are responsible for specialized photography, such as micro, macro, and copy photography.
- (6) All requests for photographic supplies and services will be processed through the commander of the Forensic Imaging Unit.

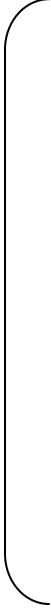
- (7) Photographic equipment purchased through government grants, etc., will be transferred to the Forensic Imaging Unit inventory upon the termination of the unit or agency.
- (8) Cameras and film will be available to investigators and officers when needed. Commanders may request that Forensic Imaging Unit personnel provide instruction in the operation of the photographic equipment for personnel under their command.
- (9) Processing and printing of film will be done by the Forensic Imaging Unit.
- (10) Photographs for court shall be ordered on "Request for Photos" forms upon receipt of subpoenas. Only the officer assigned to the case will order photos and then only when the case is set for trial. Requests from the District Attorney's Office will be honored. Requests from the Public Defender's Office will be directed to and approved by the commander of the Civil Liability Bureau.
- (11) Photographs taken at the scene of riots, disorders, protest demonstrations, marches, or similar incidents shall be destroyed after the event if no illegal actions occurred. If illegal actions occurred, only those photographs will be retained and filed which will be useful in illustrating the incidents and identifying and bringing to trial the participants in the illegal activity, or in defending against a civil claim. Such photographs shall be destroyed in the event no criminal or civil proceedings are filed.

106.09 Release of Firearms

- (1) When any person responds to Police Headquarters for the purpose of obtaining a firearm from the Property Management Bureau they will adhere to the following procedure. The Property Management Bureau allows for third party returns if the owner has signed a notarized release. Under these circumstances both the third party and owner must go through the following procedure.
 - a. The Property Management Bureau Release Clerk will ask them to fill out a Request for Firearms Release, DPD 350.
 - b. The Release Clerk will verify the information provided against the person's identification insuring that an address and phone number if available, are provided for later contact. Acceptable identification will be a state driver's license or ID with picture, military ID or passport. The Release Clerk will advise the requester that a background check will be completed and the requestor will be notified by mail, when and if they may pick up the weapon.
 - c. The Release Clerk will be responsible for completing a background check on the person through the Colorado Bureau of Investigation.
 - d. If the person is determined to be a "Prohibited Person", the Release Clerk will notify the requestor. The only Information the Department may provide to the requestor is the name of the agency (CBI) that completed the background and to consult with an attorney for legal advice. At no time, should the person be given advice regarding the return of their weapon.
 - e. CBI is the only agency authorized to lift the "Prohibited Person" status.

106.10 Shipping and Receiving Evidence (Added 04/2013)

- a. Shipping and receiving evidence that may require forensic testing to or from outside jurisdictions must be approved by the Director of the Forensics and Evidence Division.
- b. The submitting agency will contact the Director of the Forensics and Evidence Division and receive instructions for the appropriate packaging and delivery of evidence that may require forensic testing.
- c. Upon approval by the Director of the Forensics and Evidence Division, the following steps will be taken to ensure proper evidence handling and chain of custody.
 - 1. All evidence that requires forensic testing must be shipped directly to the Property Management Bureau with a copy of the approval form and instructions received by the Director of the Forensics and Evidence Division.

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2. The evidence must be delivered by a company that uses a valid U.S. or international air bill that must be signed and dated by the recipient upon arrival. Preferred companies are:
 - A. United States Postal Service
 - B. United Parcel Service
 - C. Federal Express
 3. The air bill tracking document will become part of the official case record as proof of chain of custody between the submitting agency and the Denver Police Department.
 4. When shipping evidence to other agencies, the Property Management Bureau will use the same procedure. It maintains a valid United Parcel Service account for shipping purposes.
 5. Upon receipt of evidence, the Property Management Bureau will contact the assigned detective and place the evidence into the Property Management Bureau under the appropriate GO number.

107.00 - ARSON, EXPLOSIVES, AND HAZARDOUS MATERIALS

107.01 Handling and Storage of Explosives

- (1) The Municipal Code provides that it shall be unlawful to store in any place within the City and County of Denver any dynamite, giant powder, nitroglycerin, or other explosive materials or compounds, without a permit from the Manager of Safety.
- (2) The members of the Denver Fire Department's Fire Prevention Bureau check for unauthorized vehicles containing explosives and, if for any reason, they need assistance from any member of the Police Department, officers will immediately respond and render such assistance as necessary under the circumstances.
- (3) Upon receipt of a request for services involving explosives, where the Bomb Unit is not called to the scene, the investigating officers will forward a letter giving details and disposition of the incident to the Bomb Unit.

107.02 Arson, Bomb Scares, and Suspicious Devices

- (1) Procedures to be followed whenever a fire has taken place and arson is suspected as the cause:
 - a. Personnel assigned to the Fire Investigation Bureau are Denver Fire Department officers. As Investigators, they will be appointed as Special Police Officers empowered to investigate the following: fires, lower order explosions, false fire alarms, and the construction, placement or detonation of incendiary devices. Fire Department personnel serving as Fire Investigators may conduct any special investigations requested by the Chief of the Fire Department or the Chief of the Denver Police Department.
 - b. A General Occurrence (GO) report, DPD 250, is to be made at the scene. If personnel of the Fire Investigation Bureau of the Denver Fire Department are not available to make the report, it will be made by Police Department personnel, based on information received from the Fire Department representative most knowledgeable about the circumstances, or the person designated by the Chief of the Fire Department. The report will be forwarded to the Fire Investigation Bureau.
 - c. The Fire Investigators shall conduct whatever investigation they deem necessary at the scene and document all pertinent facts. If, during the arson investigation, it is discovered that a person has died or is in immediate danger of death caused by the fire, the Homicide Unit of the Denver Police Department will be notified and respond, in accordance with OMS 301.14, and take charge of the investigation.
 - d. Any crime coinciding with an arson that is an offense against a person, including but not limited to: assault, child abuse/neglect, menacing, reckless endangerment and intimidation, or retaliation of or against a witness or victim, shall be investigated by the Major Crimes Division or district detectives, in conjunction with the Denver Fire Department Arson Investigation Unit. In these cases, Denver Police investigators will coordinate with Denver Fire Department Arson investigators to conduct a joint investigation. Arson investigators shall notify Major Crimes Division detectives or the detectives assigned to the district where the offense occurred, via Denver 911, whenever responding to one of these incidents. The responsibility for filing the case will be determined on a case-by-case basis, based on the crime and recommendations from the District Attorney's Office.
 - e. Arson General Occurrence (GO) reports, DPD 250, shall be made whenever an incident involving "Molotov cocktails" or any other form of fire-bombing takes place. All evidence collected at the scene, including the arson device fragments, must be preserved. Personnel from the Fire Investigation Bureau will be responsible for the chain of evidence and will transport all evidence to the Denver Police Department Property Management Bureau to be processed by the Crime Laboratory.
 - f. The Fire Investigation Bureau will be notified when encountering suspicious fires, incendiary materials, and unreported fires. Investigators will respond to the scene and conduct the necessary investigation, including making the General Occurrence (GO) report, DPD 250.

- g. The Denver Office of the Federal Bureau of Investigation must be notified in every fire-bombing incident. It shall be the responsibility of the Fire Investigation Bureau to notify the F.B.I. at the earliest possible time.
- h. Any General Occurrence (GO) report, DPD 250, relating to arson shall be handled in a routine fashion and processed through the Records Section. Records Section personnel shall forward arson-related reports to the Fire Investigation Bureau.
- i. The Chief of the Denver Fire Department may request assistance from the Major Crimes Division or district detectives in conducting arson investigations. This request shall be made through the chain of command, via the Chief of the Denver Police Department, or the appropriate designee.

(2) Bomb Scares

- a. Police personnel receiving information on a bomb threat shall immediately notify Denver 911.
- b. Denver 911 will immediately dispatch precinct officers and a police supervisor to the scene.
- c. Upon arriving at the scene, police personnel will park their vehicles at a safe distance from the area involved.
- d. Police personnel will consult with person in charge of the building property to determine the advisability of evacuation.
- e. When on the premises of Denver Public School facilities, the person from the facility in charge should be contacted to determine the advisability of evacuation, and officers will comply with the school decision, unless the police supervisor has evidence to indicate immediate evacuation is recommended.
- f. The Denver Police Department has no authority to force the evacuation of a building or to force the search of a building. A search of the building should be strongly recommended to the person in control of the premises.
- g. A search of any building should be performed by those who have control over the premises or are most familiar with the surroundings and could identify a suspicious package or object.
- h. A police supervisor or designated officers may assist in a search of the premises if requested by the person in charge of the premises. Officers shall be accompanied by the person in charge of the premises or his representative to eliminate any possibility of oversight.
- i. A police supervisor will determine if a search should be made by non-uniformed personnel to reduce any danger of panic by building occupants.
- j. A supervisor shall call Denver 911 and request additional assistance, if necessary, from the Bomb Unit, Fire Department, Crime Laboratory, or F.B.I.
- k. A General Occurrence (GO) report, DPD 250, shall be made.

(3) Suspicious Device or Bomb Found on Premises

- a. Order immediate evacuation if not already begun (300 feet in all directions).
- b. Refrain from using the police radio within 100 feet of a suspicious device and prohibit the use of all private or commercial radios (AM-FM, CB, etc.) within 300 feet.
- c. Make proper notification for additional aid and assist the Bomb Unit.
- d. Persons arrested in connection with bomb scares or the actual placing or exploding of bombs or explosive devices shall be taken to the Bomb Unit.
- e. The senior member of the Bomb Unit shall be in absolute command of the scene, explosion, disposal of devices, evidence, and investigation.
- f. Officers not assigned to the Bomb Unit shall not disturb, move or otherwise transport any explosive or suspected explosive device other than small arms ammunition, unless requested to do so by a member of the Bomb Unit or a command officer.
- g. The Denver Office of the Federal Bureau of Investigation must be notified in every bombing incident. It shall be the responsibility of Bomb Squad personnel to notify the F.B.I. at the earliest possible time.

h. A General Occurrence (GO) report, DPD 250, shall be made by uniform officers.

(4) Procedures - Denver International Airport

Bomb threat procedures at Denver International Airport shall be conducted in accordance with procedures outlined by the Airport Police Bureau.

(5) Bomb Threats to Police Facilities or Equipment

- a. When a telephone bomb threat is received, fill out the Bomb Threat Call Checklist, DPD 199, and immediately notify your command or supervisory officer.
- b. The command or supervisory officer shall make the necessary notifications and conduct a search of the threatened area.
- c. A General Occurrence (GO) report, DPD 250, shall be made and the Bomb Threat Call Checklist attached.

107.03 Investigation of Carbon Monoxide Cases

- (1) The Building Department of the City and County of Denver is charged with the responsibility by Municipal Ordinance of investigating all carbon monoxide cases occurring in Denver.
- (2) All officers are instructed to notify Denver 911 whenever they have information relative to carbon monoxide investigations. Denver 911 will, as soon as possible, notify the Building Department so that their inspector may be dispatched.

108.00 - EMERGENCY PROCEDURE PLAN

108.01 Emergency Procedure Plan

- (1) Multi-alarm fires, explosions, plane crashes, cave-ins, drownings, or any emergency situation requiring the employment of a large number of officers shall be considered major emergencies. Determination for activation of this procedure and the calling out of the mobile communications van, shall rest with the Division Chief of Patrol or the District Commanding Officer, upon notification by the Commanding Officer of the Communications Bureau.
- (2) Tactical Alert Phases
 - a. Tactical Alert Phase I
Phase I will consist of any emergency situation which can be handled at the district level.
 - b. Tactical Alert Phase II
Phase II will be put into effect whenever violence may develop or is imminent.
 - c. Tactical Alert Phase III
Phase III will only be put into effect by the Chief of Police.
 1. Notifications for assignments will be made by the Division Chiefs for their respective divisions.
 2. All districts, divisions, and units will operate on the basis of two (2) twelve-hour (12) shifts from 0700 to 1900 hours and from 1900 to 0700 hours. All days off, off-duty work, vacation, and sick leave time will be automatically canceled.
- (3) The Chief of Police will request assistance from other jurisdictions and/or the National Guard when in his judgment our personnel and facilities cannot handle the emergency.
 - a. Definitions:
 1. Department Commander - Chief of Police
 2. Field Task Force Commander - Division Chief of Patrol
 3. Field Commander - This will usually be the District Captain
 4. Emergency Operations Center (EOC) - The department command post under a Tactical Alert Phase III will be in Room 3, Emergency Preparedness Office, City and County Building.
 5. Field Command Post - The physical headquarters of command in a specific tactical area.
 6. Intelligence Officer - Will be the Denver Police Intelligence Bureau Commanding Officer.
 7. Administrative Commander - Deputy Chief of Police
 8. EOC Dispatcher - A Denver Police radio dispatcher
 9. Staging Areas - The primary staging areas for the Denver Police Department and the National Guard will be the junior high school(s) immediately adjacent to the area.
- (4) Duty Assignments and Functions
 - a. Patrol Division - Affected area
District Commander - The district commander of the district within which an incident has occurred, shall assume personal responsibility for the direction of police operations in the affected area.
 1. They shall inform the Patrol Division Chief of the current situation.
 2. They will designate a senior officer as district station commander in the absence of the district commander.
 3. They will report to the scene and assume field command.
 - b. Field Command

1. Field command authority and responsibility: A field commander has complete authority and responsibility for conducting operations within their tactical area.
2. Field Commander: The succession of command will be the highest ranking officer attending, as follows:
 - a. The senior patrol officer of the police department in which the major portion of the incident occurred or exists, who is present at the scene.
 - b. The senior sergeant or lieutenant of the police district in which the major portion of the incident occurred, or exists, who is present at the scene.
 - c. The commander of the police district in which the major portion of the incident occurred, or exists.
- c. Field Commander - The field commander is responsible for the following special duties:
 - 1 Command Post - Establishing a field command post.
 2. Communications - Providing for approval of all communications originating at the command post.
 3. Perimeter - Directing establishment of a perimeter.
 4. Requisitions - Requisitioning personnel and equipment.
 5. Dispersal Orders - Initiating dispersal orders in the affected area.
 6. Public Information - The field commander will assign an officer to be a public information officer who will be responsible for disseminating information to the various news media in the field.
 7. Evacuation - Initiating evacuation warnings.
 8. Situation Reports - Insuring all significant tactical and situational changes within the tactical area of responsibility are reported to the Communications Bureau for transmittal to the Chief of Police.
 9. Recommending to the Chief of Police via the Communications Bureau the need for relief forces.
 10. Coordinating with elements of other departments.
 11. The field command post and the Communications Bureau shall maintain a log of their respective operations. The log shall be a summarized chronicle of all significant information relative to the emergency.
 12. Causing a final comprehensive written report and critique of the operation to be made for presentation to the Patrol Division Chief and the Chief of Police as soon as practicable following the securing of the occurrence and affected area.
 13. Maintaining duty assignment records for all personnel committed to the emergency.
 14. Assuring that appropriate department reports are made on injured or ill personnel in the affected area.
- d. Traffic Operations Officer
 1. The senior Traffic Operations officer will report directly to the field commander and acting in liaison with the field commander, shall be responsible for the following:
 - a. Vehicle traffic control
 - b. Establish and maintain open routes to and from affected area for additional emergency response personnel
 - c. Establish and maintain ingress and egress routes to and from the affected area and hospitals
 - d. Designate a traffic officer to survey concerned area utilizing best possible means available
- e. Operations Officer

1. The operations officer will be a supervisory or command officer assigned by the field commander and is responsible for the following functions:
 - a. General policing of the involved area.
 - b. Coordination of operations section activities with other field sections and the Communications Bureau.
 - c. Planning for operational strategy and tactics.
 - d. Preparation of operational orders and, upon arrival, their distribution.
 - e. Control of missions assigned to field tactics.
 - f. Continuous appraisal of the tactical situation.
 - g. Tactical deployment of field units.
 2. The operations officer is responsible for the following special duties:
 - a. Acting as field commander in the absence of the field commander.
 - b. Issuing written or verbal operational orders to implement directives of the field commander.
 - c. Requesting necessary personnel and material from the appropriate section. Giving copy of assignment of personnel to personnel section.
 - d. Suggesting organization and deployment of tactical units to the field commander.
 - e. Establishing priorities for issuance of special equipment in coordination with the logistic officer.
 - f. Assignment and attachment of specialists in coordination with the personnel officer.
 - g. Handling of civilian casualties.
 - h. Booking and dispositions of found property and evidence.
- f. Supply Officer
1. The supply officer will be the Division Chief of Technology and Support. This officer plans, coordinates, and supervises field activities pertaining to the supply function.
 2. The supply officer is responsible for the following special duties:
 - a. Providing and maintaining the equipment, supplies, facilities, and other services required by the field forces.
 - b. Safeguarding private property removed from the affected area.
 - c. Assigning sufficient personnel to carry out the functions of the supply section.
 - d. Ascertaining the scope of field operations which are in effect or anticipated, and obtaining sufficient amounts and types of supplies.
 - e. Appointing a field stores officer and a field transportation officer.
- g. Emergency Operations Center (EOC) Representative
1. During a Tactical Alert Phase III or any other actual or simulated emergency, which necessitates the activation of the EOC, the Chief of Police or his designee will respond to the EOC and represent the Denver Police Department.
 2. The EOC, when activated, will be the department command post.
 3. The EOC representative, operating under the authority of the Chief of Police, will direct emergency police operations and have at his disposal the full resources of the department for the duration of the emergency.

108.02 Procedure for Implementing Emergency Procedure Plan

- (1) The first police officer to arrive at the scene of an incident will contact the Communications Bureau and request that a supervisor be dispatched to the scene. If additional help is required, the first officer at the scene will give their location, car number and name, and specify an estimated number of vehicles or officers believed necessary to bring the emergency under control.
 - a. The supervisor who responds to the scene will recommend the Tactical Alert that should be considered for making the necessary notifications to implement the plan.
 - b. The dispatcher in the Communications Bureau will forward this recommendation to the Patrol Division Chief, or if absent, to the district commander on duty who will specify the Tactical Alert.
- (2) The supervisor of the Communications Bureau will immediately implement the alert in the emergency procedure plan that is indicated after notification from the Patrol Division Chief or the district commander on duty.
- (3) Channel 1 is hereby designated as the emergency channel.
 - a. Channel 1 dispatch positions have direct lines to all necessary city and state offices.
 - b. All police units and all monitors in other city offices have Channel 1 capabilities.
- (4) The supervisor, acting supervisor or dispatcher of the Communications Bureau as necessity dictates, may direct all or any part of the police units on a given radio channel to temporarily change radio channel assignments. The foregoing will apply to any emergency or catastrophic situation, parade, sporting event, plane crash, civil disturbance, or any situation that requires sufficient air time that routine police business is hampered.
- (5) The first car from the affected district will be the communications vehicle, until relieved by the mobile communications van. They will remain with the vehicle at all times and maintain a log of all vehicles reporting to the incident and their locations. They will also keep the radio dispatcher informed of all cars and personnel at the scene of the incident. In effect, the mobile communications van has become the field command post. This location can be changed at the discretion of the field commander. In a Phase III Tactical Alert the department command post will be in room 3, Emergency Preparedness Office, City & County Building, while the field command post will be in the communications van. At this time, radio communications shall be handled as directed, from mobile van, police radio room, or department command post by the Chief of Police or his designee.
- (6) No vehicles will respond to the incident unless specifically assigned by the dispatcher. All unassigned officers are to remain in their respective precincts and, in the event of any terrorist activity, be particularly alert to any critical areas such as shopping centers, schools, and any public utilities.
- (7) The initial and primary responsibility of any officer taking command at the scene of an emergency is to immediately evaluate the extent of the emergency situation and take immediate and necessary steps to insure that adequate manpower and equipment are made available.
- (8) Arrested persons will be brought to a designated staging area by the arresting officer.

108.03 Denver International Airport (DIA)

- (1) General Responsibilities of the Denver Police Department:
 - a. Establish disaster site security
 - b. Control established disaster site response routes
 - c. Control disaster site access points
 - d. Provide crowd control as required
 - e. Control established staging area for responders and the inner and outer perimeters of the disaster site.
 - f. Provide escort assistance to disaster site as required.
 - g. Provide mobile command post representative
 - h. Provide Incident Command Center representative
 - i. Provide vehicular traffic control on all airport public roads, as required by disaster

- j. Provide security, as required, at any established medical triage area and disaster site morgue
- k. Assist and coordinate with other participating agencies involved in the disaster to minimize its impact to the safety and welfare of the public
- l. Correlate activities with other participating agencies so normal services can be restored as quickly as possible.
- m. Officers not regularly assigned to the Airport Police Bureau, responding to a red alert or other emergency at DIA, will be under the command of the Airport Police Bureau commander in charge of the incident.

(2) Emergency Red Alert

- a. Upon receiving notification from DIA Emergency Dispatchers of an impending Red Alert, the Combined Communications Center shall immediately notify:
 - 1. Supervisory and command officers on duty at all police districts, Traffic, and METRO/SWAT
 - 2. All other necessary notifications as per the Communications Center's standard operating procedures and protocol
- b. The commander of the Airport Police Bureau on duty will request standby assistance from the District 5 Command, and will advise them of the anticipated emergency, routes to be used and directions for any necessary re-routing of traffic to ensure that emergency arteries to DIA are kept open.
- c. Traffic and the METRO/SWAT supervisors and their officers will be requested to respond to DIA for prescribed assignments.

108.04 Terminating an Emergency

- (1) In any emergency situation to which more than one police unit responds, the field command officer at the scene will have the responsibility for ordering police units back to their regular assignments when there is no more need for them at the scene.
- (2) Police vehicles ordered back to regular duty will immediately switch back to their normally assigned radio channel and notify the dispatcher.
- (3) When police vehicles are relieved at the scene of the incident, the field commander will notify the dispatcher.
- (4) When the emergency itself is terminated and all police vehicles and personnel are to resume normal operations, the field commander will notify the dispatcher.

108.05 Applicable Laws Pertaining to Emergencies

- (1) The following city charter, municipal ordinance, and state statute sections indicate the legal authority available in dealing with emergencies in this jurisdiction.
- (2) These ordinances and statutes will cover many circumstances that might be encountered.
 - a. City and County of Denver Charter (Sections A.1-4 et seq.)
 - b. Municipal Ordinances: Appropriate Sections
 - c. Colorado State Statutes: Title 18
 - d. Federal Statutes: Appropriate Federal Agency

108.06 Notifications

All notifications to affected personnel will be made consistent with the emergency notification list of the Communications Bureau.

108.07 National Guard Emergency Designations - N-Nora

- (1) Police radio communication will be established with the Colorado National Guard under emergency, or impending emergency situations only, and then only upon the direct order of the Chief of Police or an authorized representative, and in accordance with the emergency plans set forth for the Denver Police Department.
- (2) When activated, or when in a standby status, the Colorado National Guard will have possession of two four channel police radio units only. One of these will be under the control of the commanding general, and the other will be a police vehicle loaned for the emergency, under the control of the commanding officer. National Guard officers will have radio communication with their own forces by National Guard network.
- (3) All radio calls, orders, requests, and contacts to or with other National Guard units will therefore channel through one or both of these National Guard officers.
- (4) In general, a police officer, equipped with police radio equipment, will be in company with each National Guard unit placed in service at our request or direction.
- (5) Colorado National Guard command personnel will, under emergency conditions, be monitoring the police radio through their own or other systems.
- (6) By arrangement with the national guard, the alpha numerical designations listed herein will be functional in the operation of police radio station KAA 511 if units of that organization are employed under the control or direction of, or if functional assignments are requested by this department.
- (7) Numerical designations are generally the same as those employed for police department identification of units.
- (8) Double Alpha designations are used in the area of emergency support (NORA-BAKER), and special service assignment (NORA-VICTOR). Units which may be so assigned will then be identified first by organization (N-NORA) secondly by functional assignment (B-BAKER) for support or V-VICTOR for special service), and numerically by unit.

108.08 Crowd Management Policy

- (1) Policy
 - a. The Denver Police Department policy regarding crowd management is to apply the appropriate level of direction and control to protect life and property, maintain public peace and order and to uphold constitutional rights of free speech and assembly.
- (2) General Principles
 - a. The Denver Police Department will seek to improve its ability to manage crowd control events through study of its past experiences and evaluation of incidents occurring in other jurisdictions. Training in crowd management is crucial and shall be an ongoing process. The department's philosophy is to fine-tune procedures and training in order to improve preparation for and response to future events. Consistent with this philosophy a manual will be developed to address various scenarios that may arise in crowd control situations, as well as options for dealing with them.
 - b. Though no single method of dealing with crowds can be universally effective, the principle of establishing contact and communication with the crowd will be embraced by the Denver Police Department.

When dealing with planned events, frequent meetings with sponsors and group leaders are encouraged. In unplanned events, when possible uniformed officers will attempt contact with the group. Despite this philosophy, it is understood that some situations are not conducive to conciliation, and immediate control procedures must be employed. Incident Commanders have the responsibility and discretion to evaluate a situation and act accordingly.

- c. Police personnel must maintain professional demeanor, despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior can inflame a tense situation and make control efforts more difficult and dangerous. Strong supervision and command are essential to maintaining unified, measured and effective police response. A team work-based response with strong leadership is key to maintaining control and safety. Impulsive actions by involved officers are to be avoided.
- d. Identification of areas where the crowd is to be located should be done as soon as possible. Rather than trying to move a large crowd, it is better to place them in the proper location from the start of an event. When possible, police officers should be at their posts well in advance of arriving citizens.
- e. Lines of control should be established, especially in events that involve protestors. Whenever possible, hostile factions should be separated.
- f. Considering the type of crowd involved is an important factor in responding properly to its behavior. Crowds may vary from cooperative or celebratory, to non-compliant and hostile or combative.

(3) Definitions

- a. **Command Post:**
An area designated for the overall control and management of a particular event or incident. Generally it should be within a short distance of the incident, but not within view of crowd participants, or so close as to be adversely affected by the event. Senior ranking officers shall be stationed at the command post. When possible, the Incident Commander will manage an incident from the command post, but is not precluded from responding to the scene to observe the event.
- b. **Crowd Management:**
Techniques used to manage lawful public assemblies before and during the event for the purpose of maintaining their lawful status. This can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
- c. **Crowd Control:**
Techniques used to address unlawful public assemblies, including a display of formidable numbers of police officers, crowd containment, dispersal tactics, (Field Force and Mobile Field Force), and arrest procedures, (isolated events or mass arrests).
- d. **Incident Commander:**
The ranking officer at the scene or en route is responsible to take command of the incident. The Incident Commander (IC) retains overall control of the scene until an announcement over the police radio that a higher-ranking officer is assuming command. Any officer who assumes command must be either present, at the command post, or en route. Personnel responding from other districts, bureaus and units are under the direction and control of the Incident Commander.
- e. **Inner Perimeter:**
A line of control established to contain a crowd or special event to facilitate order maintenance, crowd control and public safety.
- f. **Outer Perimeter:**
The area surrounding the inner perimeter that provides pedestrian and vehicular traffic ingress, egress and parking.
- g. **Planned Event Coordinator:**
A police officer generally of supervisory or command rank designated to plan and coordinate crowd management tasks for a given event. This officer may also serve as an advisor or commander.
- h. **Spontaneous Event or Incident:**
An unplanned or unforeseen event or incident that may create a risk to public safety, peace and order, or damage to property. Such incidents may include but are not limited to crowd disorders, incidents at schools, transportation accidents, bombings, explosions, disasters, major fires, labor disputes, celebratory crowds and organized protests.

- i. Scheduled Event:
An activity involving large numbers of people that requires a permit or is planned and publicized beforehand. Such occurrences may include but are not limited to parades, concerts, religious gatherings, parties, community activities, sporting events, and demonstrations.
- j. Staging Area:
A site selected for the staging of police and emergency personnel. Generally, it should be a short distance from the incident, but ideally not within view of the crowd or event participants. It should allow sufficient space for cars, equipment, personnel, and security.

(4) Responsibilities of Planned Event Coordinator

- a. Gather and analyze information about future crowd events, including review of information from both internal and external sources.
- b. Coordinate with the city permit department and various police department sections, including divisions, districts, bureaus, and special units to prepare for a planned special event.
- c. Meet in advance with event sponsors and group leaders to exchange information and to present the police department's philosophy and intent. Details of the department plan and preparation shall not be disclosed except when necessary to ensure success of the operation.
- d. Coordinate affected divisions, districts, bureaus, and special units to prepare an operational plan for a given event that details assignments, traffic and crowd flow, communications, tactics and training.
- e. Ensure that appropriate equipment is available.
- f. Provide periodic updates to middle and/or senior command staff regarding the status of an upcoming crowd event.
- g. If present at the scene of a crowd event, evaluate the potential for violence and/or unlawful behavior.
- h. Gather post-event information from the affected department divisions, districts, units, and bureaus. Prepare a written critique of the police department's preparation and performance in a given crowd event, including a breakdown of expenses. Present findings and recommendations regarding policies, procedures, training and expenses.
- i. Maintain records of the police department's response to crowd events with the intent to revise and fine-tune policies, procedures and training. When appropriate, arrange for the use of videotape equipment to record crowd behavior and police response.
- j. Provide or recommend and arrange training as needed to various sections of the police department.

(5) Responsibilities of Incident Commander

- a. The senior ranking officer in the district shall respond to the scene of spontaneous events when practical, and take command of the incident. This person will be the Incident Commander (IC) until relieved by a higher-ranking officer. The IC shall declare over the police radio that he or she is in command. When practical, a command post shall be established as soon as possible.
- b. The IC of planned events shall be responsible for the overall coordination of the event, as well as crowd control.
- c. The IC and supervisors shall make every effort to ensure that the police response does not exacerbate the situation. The police response will be commensurate with the overall threat if any, to public safety, order maintenance, life and property. The least police intervention needed to address a particular incident shall be deemed most appropriate. This does not preclude police officers from taking appropriate action to direct crowd and vehicular movement, enforce ordinances and statutes and employ the physical force necessary to maintain the safety of the public and emergency personnel.
- d. An immediate assessment of the situation is essential for effective police response. The Incident Commander must ascertain the following information at the earliest possible time.
 - 1. The location and type of event
 - 2. Are a large number of the crowd participants behaving unlawfully?

3. Are there a limited number of specific individuals engaged in unlawful conduct?
 4. Is there a likelihood that the unlawful behavior will spread to other crowd participants?
 5. Immediate threats to the safety of the public and/or police officers
 6. The structure or vehicle(s) involved
 7. The size of the involved area
 8. The number of additional officers and police resources needed as well as requirements for specialized units (Traffic, Metro/SWAT, Gang Bureau, etc.)
 9. The manner of response (Code 9 or 10)
 10. Location for a Staging Area
 11. Location for a Command Post
 12. Location for a media staging area controlled by a P.I.O. or designee.
 13. Ingress and egress routes
 14. Additional resources needed (paramedic, fire department, barricades, sheriff's buses, command post van, etc.)
- e. Purported First Amendment activities will be evaluated by the Incident Commander, to determine lawfulness of the actions by groups and individuals. Specifically, actions and speech protected by the First Amendment include such things as rallies, marches, parades, and leafleting. Actions or behavior which involve trespassing, destruction of property, disruption of transportation, unlawful use of amplification devices, assaults and disturbances of the peace are not protected by the First Amendment. When appropriate, the City Attorney's Office may be contacted concerning First Amendment issues.
- (6) Police Response
- a. Spontaneous Events or Incidents:
1. **Rescue:** The rescue of endangered innocent citizens or officers is a priority. The Incident Commander and/or supervisors must take necessary steps to effect the rescue of trapped or endangered officers and citizens. Once accomplished, police personnel may be directed out of the immediate area if their numbers are insufficient to maintain control of a given crowd. Effective police action will be taken as soon as adequate resources are available.
 2. **Isolation:** A perimeter to contain the incident shall be established as soon as possible. The Incident Commander and supervisors will ensure that responding officers have clear ingress and egress. Clear instructions will be given via police radio to responding personnel. Depending on the circumstances, both inner and outer perimeters may be established.
 - a Officers posted on perimeters must be given clear instructions regarding:
 1. The movement of vehicles and pedestrians
 2. Whether persons will be allowed to leave the secured area via a designated route or method
 3. How and where individuals or groups are to be evacuated
 - b Ensure that sufficient resources (personnel, barricades, crime scene tape, etc.) are on hand to maintain the integrity of a perimeter. Do not initially establish a perimeter so large that it cannot be secured. As additional resources become available, the perimeter may be expanded.

3. **Communication with participants:** In some crowd situations, contact with formal or informal leaders can be established, either in person or by amplification. Police personnel shall not penetrate an obviously hostile crowd solely for the purpose of communication. When possible, clear instructions shall be communicated to the crowd. Unless there is an immediate risk to public safety, or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with police commands before action is taken. The Incident Commander and supervisors are responsible to ensure that all orders given to a crowd are consistent, lawful, and appropriate for the circumstances. Lower ranking officers may also issue individual orders, consistent with the orders of the Incident Commander, to ensure the immediate protection of themselves, others, or property.
4. **Intelligence:** Observation posts may be established at the discretion of the Incident Commander and supervisors. In addition, plainclothes officers may be used to assess the overall behavior and disposition of a crowd.
5. **Control/Enforcement Actions:** The Incident Commander shall make the final decision as to what control action, if any, will be taken to address a given crowd situation. The police response will be appropriate for the degree of violence, disorder, criminal conduct, and perceived threat to public safety, order maintenance, life, and property. Crowd size and available department resources will also factor into the police response. Uncoordinated actions or actions by individual officers shall be avoided. The below listed factors will be considered prior to determining a course of action.

- b Will police action likely improve the situation?
- c Will targeting specific violent or disruptive individuals for arrest be more effective or appropriate than applying control tactics to the entire crowd?
- d Are sufficient resources available to effectively manage the incident (personnel, tear gas, scout cars, etc.)?
- e Have clear and secure escape routes been established for both the crowd and the police?
- f Has communication been established with the crowd (loudspeaker, personal contact, etc.)?
- g Have backup plans been considered in the event initial police efforts are ineffective?
- h What less-lethal crowd dispersal options consistent with the Use of Force policy are available?

(7) Scheduled Special Event or a planned special event involving potentially large crowds, the police department will:

- a. **Planning:** Upon notification, develop an action plan at the earliest possible time. The police department's plan shall include input and participation from all affected districts, bureaus, and units. This plan will be a written document approved by the Division Chief of the affected division. Coordination of efforts is essential. A written event plan shall be completed and distributed to the affected districts, bureaus, units, and outside agencies well in advance of the event. The following factors will be considered and addressed by personnel developing the action plan for a large crowd event. Information gathering is essential.
- b. What type of event is to occur? Parade, concert, sporting event, community gathering, protest, etc.?
- c. Identity of the organizers. What is their past record of conduct (peaceful, violent, cooperative, etc.)?
- d. Will outsiders visibly and/or physically oppose the planned event?
- e. Will the event involve the use or abuse of alcohol or other substances
- f. Where is the event to occur? Consider the size, location, ingress, and egress points.
- g. What is the optimal site for a command post as well as a staging area should personnel be needed to quell a disturbance or control the crowd.
- h. Have the appropriate permits been issued?

- i. Have other agencies, bureaus and divisions been notified and included in the planning process (paramedics, fire department, communications bureau, etc.)?
- j. Will the EOC be needed?
- k. Will off-duty personnel be involved? Has the commander of off-duty personnel been made part of the planning process?
- l. Is it possible and appropriate to coordinate with group organizers and explain the police department's mission, preparation and potential responses? Information considered sensitive or confidential shall not be released to group organizers if it will jeopardize the safety or effectiveness of police personnel.
- m. Have the proper number of personnel been scheduled to safely handle the event? Should a reserve force be available?
- n. Has an enforcement policy been formulated and communicated to affected personnel?
- o. **Training:** When practical and appropriate, personnel preparing for a large event with the potential for violence shall be retrained, to include physically practicing various aspects of crowd management. Topics may include but are not limited to Field Force, Mobile Field Force, mass arrest procedures, functioning in a tear gas environment, use of non-lethal weapons, applicable ordinances and statutes, protected speech, etc. Drills may be scheduled to measure the effectiveness of assigned personnel. The results will assist in structuring or revising future training.
- p. **Briefing Report:** A written briefing document will be prepared, detailing the objectives of the operation, radio talk-groups, IC and CP telephone numbers, etc. Personnel shall be briefed on their particular assignments before deployment. Instructions shall be communicated to all officers so that confusion is minimized. Information shall be shared with police personnel as far as possible. Specific instructions covering topics such as applicable laws, community concerns, appropriate enforcement actions, chain of command, tactics, traffic patterns, etc., shall be clearly presented to officers. The duties and responsibilities of personnel staffing the command post or OEM shall be defined and communicated. Duplication of efforts and the resulting confusion are to be avoided. Personnel shall be given the necessary authority to carry out their respective missions. Conflicting orders and violations of established lines of authority are to be avoided.
- q. **Deployment:** Personnel shall be deployed to their posts or staging areas with sufficient time before the start of the scheduled event. Supervisors shall ensure that their personnel are punctual and properly equipped. Equipment considerations may include portable radios, batons, mace, helmets, face shields, etc. Supervisors shall also ensure that their personnel are relieved at appropriate intervals.
- r. **Communication:** Sufficient radio talk groups will be dedicated to the event. The Communications Bureau must be included in the planning process, and a determination will be made as to whether a dispatcher will manage or monitor.
- s. **Talk Groups:** Commanders and supervisors shall ensure beforehand that all radios are equipped with the necessary talk groups. Assisting agencies with a need to communicate on Denver Police channels may be issued radios on an as-needed basis.
- t. **Scenario Options:** Personnel creating a plan to address a large crowd event should anticipate a variety of scenarios and devise a police response for each. Such scenarios and responses should be made part of the final plan and communicated to the affected personnel. Consideration should be given to potential worst-case situations.
- u. **Response to outbreaks of violence or disorder:** The same considerations listed in the spontaneous event section shall apply to outbreaks of violence and disorder at scheduled events. The overall Incident Commander shall have the final decision as to what level of police intervention is employed to address a large scale outbreak of violence or disorder.

This shall not preclude actions consistent with orders of the Incident Commander taken by individual commanders, supervisors, and officers to defend themselves or others from imminent harm.

(8) Crowd Control Methods

- a. **Preferred Response:** The preferred police response is one of management rather than control. Nevertheless, control plans should be in place with the option of immediate application if the need arises.
- b. **Tactics:** The following tactics are authorized to address crowd control situations. The general order of application is fluid (escalation and de-escalation) and will change based on the control required, consistent with the department policy of using the minimal police intervention needed to address a crowd management issue.
 - 1. Isolation of the crowd
 - 2. Display of police officers (forceful presence)
 - 3. Order for crowd to disperse
 - 4. Selective arrests
 - 5. Multiple arrests
 - 6. Dispersal (Field Force, Mobile Field Force), tear gas, less-lethal weapons
- c. **Delineation:** Lines of demarcation between authorized and unauthorized civilian areas should be established.
- d. **Isolation of the crowd:** To the degree possible, inner and outer perimeters will be established to isolate the crowd from other geographic areas, persons and vehicle traffic.
- e. **Assignments:** Generally, officers should be assigned to squads of sufficient size to be effective. At larger events, the crowd can be divided into quadrants with a commander in charge of each one.
- f. **Display of Police Officers:** Once this tactic is selected, officers should be assembled in formation at a location outside the view of the crowd. The formation may be moved as a unit to an area within the crowd's view.
 - 1. This tactic should not be used unless there are sufficient personnel to follow through with dispersal. Do not bluff a crowd.
 - 2. If a display of police officers combined with a dispersal order is not effective, more forceful actions may be employed.
- g. **Orders to Disperse:** A loudspeaker or public address system should always be used to increase the likelihood that all crowd members can hear police commands. It is recognized that some crowds are so noisy that loudspeakers may be ineffective. When confronting an unlawful or dangerous crowd, orders to disperse should be made. An order to disperse should not be made unless supported by an applicable municipal ordinance or state statute. The order should be publicly announced as follows:

 "I am (name and rank) of the Denver Police Department. All persons assembled are in violation of (City ordinance or state statute - stated in general terms). In the name of the people of the City and County of Denver, I command all of you to disperse. Failure to disperse will subject each of you to arrest and prosecution. The time is ..." (Message does not have to be verbatim)

 Establishing points of ingress and egress are essential for the safe and efficient dispersal of crowds. Once dispersal begins, the IC and supervisors must ensure, if at all possible, that clear instructions are given to crowd participants regarding their movements. It is recognized that some crowds may be so violent or uncooperative that clear communication as well as points of egress cannot be established.
- h. **Arrests:**
 - 1. When the only violation present is unlawful assembly, the crowd should be given an opportunity to disperse rather than face arrest. The IC should make an effort to communicate with crowd leaders to explain the violation(s) being committed. If the unlawful behavior is corrected and the Incident Commander is satisfied that there is no longer a threat to public safety, no further action may be necessary.

2. When arrests are necessary, the IC shall ensure that sufficient numbers of police officers are on hand to effect individual or multiple arrests. This tactic can be effective in dispersing the remaining crowd members. Incident Commanders must use discretion in committing arrest teams to penetrate hostile crowds. The safety of police personnel must be considered.

- i. **Dispersal:** The following physical tactics can be employed individually or in combination, to disperse a crowd. The order of application is fluid, (escalation and de-escalation), and will change based on the control required, consistent with the department policy of using the minimal police intervention needed to address a crowd management issue.

A staging area must be established and officers must function as a team under the control of the Incident Commander. The mission is to disperse the crowd as safely as possible.

Dispersal tactics may include:

1. Skirmish line (Field Force)
2. Deployment of tear gas
3. Deployment of less-lethal (pepper ball, bean bag, M-26 Taser, etc.)
4. Mobile Field Force

- (9) Reporting

The Incident Commander shall ensure that an After Action report is completed for either a planned or spontaneous event, in addition to any other required reports, (Use of Force, Employee Injury, etc.).

The Incident Commander shall also ensure that superiors are notified of the incident in a timely manner. The severity and swiftness of the event may dictate when this can be accomplished.

- (10) The Denver Police Department's Crowd Control Manual can be found attached to Department Directive 04-05 for further tactics and strategies.

109.00 - RECORDS AND REPORTS**109.01 Quality Requirements**

- (1) The quality of records and reports may be judged by the extent to which they meet departmental and divisional requirements and fulfill their purposes. The general purpose of records and reports is as follows:
 - a. To permit supervisory and command officers to become familiar with actions taken, information obtained, results achieved, or conditions existing within the Department.
 - b. To permit supervisory and command officers to become familiar with the performance of personnel, equipment, and facilities.
 - c. To record pertinent facts and information for reference at any future time.
- (2) In order to best fulfill their purposes, records and reports must be:
 - a. Accurate
 1. Accuracy means the absolute truthfulness and dependability of the information on the report. It requires that the reporting officer make certain of their facts before reporting them as facts.
 2. If information is obtained from a source where it cannot be verified and so recorded, it is acceptable even though of doubtful accuracy. However, the fact that it cannot be verified should be so stated.
 3. Personal beliefs or prejudices on the part of the officer shall not influence the report in any way. If an opinion is stated in any way, it should be qualified by indicating that it is an opinion.
 - b. Complete
 1. Completeness is defined as the extent to which the record or report includes all the necessary facts, information and data, and meets the requirements for that particular type of record or report.
 2. An officer shall sign all reports submitted with name and serial number.
 3. All addresses on reports and forms shall be complete. A complete address contains building/residence number, street name, city, county, state, and zip code. Types of thoroughfares are to include street, way, place, avenue, east, west, north, or south.
 - c. Neat
 1. The general appearance of a report as to its cleanliness, arrangement of margins and spacing, absence of noticeable erasures and similar defects, and the general care shown in assembling its various parts constitute its neatness.
 - d. Brief and Concise
 1. Records and reports are to be brief without sacrificing completeness and clarity. Concise statements of the facts and information are expected. Long, drawn out remarks or useless phrases and roundabout explanations are to be avoided.
 2. Brevity is not to be achieved by omitting pertinent or useful information, but rather by giving that information without the unnecessary use of words.
 - e. Clear and Understandable
 1. The wording, composition, and arrangement of a report will be such that it is easily understood and that the meanings are perfectly clear.
 2. Short and concise statements or sentences should be used.
 3. Words of doubtful meaning are to be avoided.
 - f. Acceptable in Spelling and Language

1. Officers must pay particular attention to spelling and sentence structure used in writing reports and records.
 2. Most spelling and grammar errors do not result from the attempted use of difficult words and phrasing, but rather from carelessness in the use of simple words and sentences.
 3. Elaborate or artificial language, designed to create an impression, is to be omitted.
- g. Typed or Hand Printed Reports
1. All forms and official correspondence must be computer generated or hand printed in large characters, properly spaced, with a black ink ball point pen.
 2. When completing forms that have more than one copy, a ball point pen must be used with sufficient pressure exerted to assure that the last copy is clearly legible.
- h. All reports and records must be legible to whoever may read them.
- (3) The following designations of a person's race will be used on all Department forms, records and reports:
- a. White
 - b. Hispanic
 - c. Black
 - d. American Indian or Alaskan Native
 - e. Asian or Pacific Islander
 - f. Unknown

109.02 Form Number Inventory, Description, and Usage (Revised 03/2013)

- (1) The Data Analysis Unit is responsible for coordinating design, numbering and implementation of all official departmental forms.
- (2) These forms, listed in numerical sequence, are in general use by the Denver Police Department. A brief statement of purpose is included with each form title.

DPD 6 - Blood Withdrawal Consent

Will be completed prior to the drawing of blood by an authorized health care professional. The original will be placed in the DUI packet. See OMS 204.04.

DPD 8 - Authorization to Ride in a Denver Police Car

All individuals not exempted by OMS 116.02 must request authorization to ride in a Denver Police vehicle. This form must be completed in duplicate and processed according to the provisions of OMS 116.02.

DPD 12 - Report of Use of Force

This report is required to be filled out in all incidents of firearm discharge, other than in training or for recreational purposes; when an officer takes an official action which results in, or is alleged to result in the injury or death of another person; when a person is injured, or complains of injury, after the use of a non-lethal weapon. Note: In incidents in which persons are injured while in custody, or have visible injuries or claim to have injuries sustained **prior** to arrest, Injury While in Custody and Injury Prior to Arrest Report DPD 12I will be used. See OMS 105.01 and 105.02.

DPD 12I – Injury While in Custody and Injury Prior to Arrest Report

Completed by the investigating supervisor, this form is used to document when an arrestee was injured while in custody, or was injured or claims to have been injured prior to the arrest.

DPD 14 - Breath Analysis Consent Form

Will be completed by arresting officer and/or certified operator. The original will be placed in the DUI packet. See OMS 204.03.

DPD 18 - Citizen's Notification of Absence

Made in duplicate, original kept in the district station and the duplicate in the precinct car.

DPD 20 - Authorization for Vehicle

Used to obtain a pool car. If vehicle is to be kept overnight, taken out of Denver or used for a special assignment, the form must be signed by a supervisory or command officer. Authorization is not needed for exchange of a defective vehicle.

DPD 23 - Evidence/Personal Property Envelope

Used when property, either evidence or personal property, is taken into custody. For large items, use DPD 309 Personal Property Tag, or DPD 308 Evidence Tags.

DPD 23M - Money Envelope

Tamper-evident plastic envelopes of various sizes used to inventory cash placed in the Property Management Bureau.

DPD 30 - Handgun Purchase Authorization

A form used by officers when purchasing a handgun for official use. This form, when signed by the officer's commander, exempts the officer from the background check required by Colorado law.

DPD 43 - Change of Charge

Completed whenever charges placed against a prisoner being held in the Denver Detention Center are changed from investigative status to specific charges, which will notify the authorities in the Detention Center of additional charges being placed against a prisoner or to drop charges that have been placed. See OMS 104.05.

DPD 49 - Request for Transfer

To be filled out in triplicate. One copy is kept by the officer's commanding officer, one copy is sent to the command where the transfer is requested, one copy is retained by the officer's Deputy Chief.

DPD 66 - Document Control - Records Section

To be completed and signed by authorized personnel to remove supplementary reports and confidential investigation data from the Records Section. See OMS 109.04 (3)2.a.1.

DPD 67 - Unauthorized Parking: Non-Police Vehicles Owned and/or Operated by Police Officers in Police Building Underground Parking Levels

This form shall be completed and sent by the Administrative Management Division to the Internal Affairs Bureau to conform with OMS 204.19(1)c.

DPD 70 - Traffic Ordinance Summary

A listing of all the traffic ordinances of the Revised Municipal Code and the most frequently used Colorado Revised Statute violations, the penalty points for each and the scheduled fine.

DPD 70A - Criminal Violations List/Traffic Fine Summary

A quick reference form, listing all the criminal and designated criminal violations of the traffic code and a conversion chart showing the penalty points, fine schedule, and reduction figures for points.]

DPD 75 - Request to Appear

The Request to Appear is a three-part form used for all order-ins. An adult may be ordered-in to an investigative unit or to the County Court Marshal's Office, a juvenile to an investigative unit. The officer making the order-in should mark through all sections of the form which are not appropriate to the individual situation. Distribution of the copies of the form varies according to the type of order-in.

DPD 81 - Strip/Body Cavity Search Authorization

Used to obtain written supervisory approval any time an officer wishes to conduct a strip or body cavity search of a prisoner.

DPD 94 - Emergency Information File

This form is completed by all personnel and contains emergency and medical information for each employee.

DPD 100 - Request for Apprehension of a Runaway Child

This form originates only in the Missing and Exploited Persons Unit. It is filled out and signed by the parent or guardian who must come to Headquarters to do so.

DPD 102 - Juvenile Advisement/Waiver Form

A two-sided form which originates with the officer who will question the juvenile. A parent or guardian must be present. The completed form shall be left with or forwarded to the appropriate investigative section or unit, along with the other relevant documents. The assigned investigator will ensure that the original and needed copies of the Juvenile Advisement/Waiver are included with the case filing and the Department file.

DPD 107 - Juvenile Case Summary

This form is used in every case where a juvenile is taken into custody or is otherwise removed from their home. See OMS 402.01.

DPD 110 - Description of Wanted Party: See DPD 252.

DPD 119 - Officer's Business Card

All officers should have business cards available on their persons or in their vehicles and use them to comply with OMS RR-129 and other situations in which these cards could be used. Specialized business cards are available for detectives to use when notifying complainants or witnesses of interview appointments. The business cards available for patrol officers have useful city agency telephone numbers printed on the back.

DPD 120 - Daily Activity Log

- a. All officers in the patrol districts shall be required to complete and turn in a Daily Activity Log at the end of each work day.
- b. Sergeants shall have the responsibility of transcribing the figures from the Daily Activity Log to the Officer's Daily Performance Record, DPD 125.
- c. Daily Activity Logs shall include the following information:
Pertinent information on all calls
 1. Pertinent information on all on-sight activity
 2. Information regarding all arrests or order-ins
 3. Statements such as "information received," "parties advised," "settled," etc., will not be acceptable
- d. In the "Action Class" column, Class 1, 2, or 3 is to be listed. As criteria for the Class 4 action is met, it will be double-coded with 1, 2 or 3
 1. "Class 1 actions" are those actions of a police nature, whereby the officer is directed to the activity by:
 - A. Radio dispatch
 - B. Police supervisor
 - C. Directions from the district station or any subdivision of the department
 2. "Class 2 actions" are those actions of a police nature where the officer finds the actions as a result of:
 - A. Routine patrol
 - B. Personal initiative

3. "Class 3 actions" are those actions of a non-police nature, such as errands, eating, court, time at garage, etc.
4. "Class 4 actions" are those actions which are community work, involving problem solving, crime prevention or community partnership. "Class 4 actions" may be of a police nature when linked to a Class 1 or 2.
- e. Activity Code - a four letter code describing the nature of the activity.
- f. Outcome Code - four letter codes used to describe the disposition of the activity. Up to four outcome codes may be used.
- g. Disposition - shall be filled in completely with full details. If necessary, more than one line may be used.
- h. Recap Section
 1. Credit for arrests shall be taken only for those arrests made by the officer. Assists on arrests shall be noted in the disposition column.
 2. Recovered units include all vehicles wanted on an official pick-up list. It does not include vehicles towed from an accident scene or for misuse of license plates, etc.
- i. Daily Activity Logs are to be maintained in their originating stations for 90 days, then forwarded to the Records Section for storage.

DPD 120T - Daily Activity Log, Traffic

A specialized Daily Activity Log used by officers assigned to traffic enforcement duties.

DPD 122 - Property Management Bureau Invoice and Receipt

Completed whenever any found or personal or evidentiary property is taken into police custody. It consists of the original and one copy. The original is scanned into RMS by Property Management Bureau staff, and the officer retains the remaining copy.

DPD 125 - Officer's Daily Performance Record

This form is used by supervisors in recording police activity from the Daily Activity Log.

DPD 126 - Monthly Performance Summary

Used to compute the monthly record as derived from the officer's daily performance.

DPD 127 - Supervisor's Situation Record (Incident Book)

This form is used by supervisors to record incidents of minor misconduct or exceptional attention to duty, disciplinary matters, and commendations. All entries in this record shall be brought to the affected officer's attention. He or she will be afforded the opportunity to read the entry and to initial the book by the supervisor's signature. An officer's refusal to initial the entry should be noted by the supervisor.

DPD 130 - Felony/Misdemeanor Processing Envelope

A pre-printed envelope used by arresting officers to deliver all the paperwork resulting from a felony or state misdemeanor arrest to the affected investigative section or unit. Officers will complete the routing information, arrest data, check-off list of included paperwork and evidence section prior to sealing and placing the envelope in the inter-department mail. If the arrest is processed at a district station, the officer's supervisor shall review the paperwork and sign in the space for "Reviewing Supervisor".

DPD 148 - Absence Report – Deleted 08/2010

DPD 148A - Vacation - Sick Leave Request – Deleted 08/2010

DPD 149 - Request for Secondary Employment Approval – Deleted 08/2010

DPD 150 - Sick and Injured Report

- a. When suspects are hospitalized and a hold order is placed, a Sick and Injured Report shall be completed in triplicate and distributed as follows:
 1. One copy will be given to the transporting ambulance paramedics or left at the hospital.
 2. One copy will accompany the General Sessions Summons and Complaint, and both it and the GSS&C will be hand-carried immediately to the Detention Center sally port.
 3. One copy will be sent via inter-department mail to the Missing and Exploited Persons Unit.
- b. This form is completed whenever a person is taken into custody for suspected mental illness. See OMS 104.30.
- c. This form shall be made on all deaths investigated by the Police Department. See OMS 301.14.

DPD 153 - Day Off Request – Deleted 08/2010

DPD 154 - Officer's Overtime Authorization/Accumulated Time Returned – Deleted 08/2010

DPD 155 – Reserve Officer's Court Voucher

This form shall be filled out in duplicate whenever a reserve police officer is subpoenaed to appear in court to testify for the city. The original will be filed with the Financial Services Division and will be kept for one year. A minimum of two hours or the actual time involved, whichever is greater, will be given for an appearance in court at a first-grade patrolman's hourly wage, converted to time and a half.

DPD 156 - Compensatory Time Record – Deleted 08/2010

DPD 170 - Photo Display Folder

Used by officers in preparing and presenting a photo line-up. See OMS 104.44(10).

DPD 175 - Courtesy Traffic Warning

Used to issue written warnings for minor, non-hazardous traffic violations. See OMS 204.07.

DPD 180 - Holiday Compensation Report DELETED 1/09

DPD 181 - Memorandum of Understanding

An acknowledgement signed by all officers that official police badges and identification are the sole property of the Denver Police Department and are subject to immediate recall.

DPD 184 - Delayed Report Information Memo

Supervisory personnel will use this form whenever original accident or General Occurrence reports, DPD 250, are detained at the review level. Two copies of the form are to be completed. The original shall be forwarded immediately to the Records Section. The second copy will be attached to the delayed report when it is sent to the Records Section for processing.

DPD 187 – Property Recovery Waiver

Used by officers assigned to the Pawnshop Recovery Unit for the seizure of property from pawnshops and secondhand stores.

DPD 191 - Case Summary Sheet - Vice and Drug Control Section

Completed by arresting officers in a narcotics case.

DPD 194 - Presumptive Screening Request

Used by Vice/Drug Control Section personnel to obtain a preliminary analysis on a suspected controlled substance prior to filing a case with the District Attorney.

DPD 199 - Bomb Threat Call Checklist

This form is to be filled out by any person receiving a bomb threat call. A General Occurrence report, DPD 250, will also be completed.

DPD 200 - Inter-Department Correspondence

This form is to be used by all officers for any report or communications made within the department when no other report form is provided, or when required.

DPD 221 - Abandoned Vehicle Warning

After clearing the vehicle on the computer information system, this form will be filled out in duplicate. The pink copy is placed on the abandoned vehicle in a conspicuous place. The white copy is forwarded to the Denver Sheriff's Department Abandoned Vehicle Unit for follow-up. See OMS 206.04 (3)b

DPD 224 - Impounded/Recovered Vehicle Report

This four-page form is to be completed when a vehicle is impounded for any reason or when a vehicle's owner or representative responds to an officer's location to pick up a stolen vehicle. See OMS 206.04 (6)

DPD 236 - General Session Summons & Complaint/Warrant

A specialized version of the General Session Summons & Complaint which is used after an officer has determined that there is probable cause to believe that a Municipal Ordinance violation has occurred and the identifiable suspect is gone. It cannot be used for felony or state misdemeanor crimes or for charging juveniles. The form combines the Court Complaint, an Affidavit for Arrest Warrant, an Arrest Warrant and the NCIC form, DPD 110/252.

DPD 236A - General Session Summons & Complaint/Warrant Routing Envelope

The envelope used to route the GSS&C/Warrant and all supporting paperwork from the Police Department, to the judge, to the Identification and Records Bureau.

DPD 236B - Affidavit, Continued

Two-part form to be used when there is insufficient space on the affidavit portion of the General Session Summons & Complaint/Warrant.

DPD 238 – Traffic Citation Void Request

This form is used by officers to request the dismissal of parking and moving violations against violators.

DPD 241 - Record Search Application (ID and Records Bureau)

When a record check request is made in person, this form will be completed by the law enforcement person making the inquiry. If the request is made by telephone, Identification and Records Bureau personnel will complete the form.

DPD 243 - Sobriety Case Summary

This report will be completed in all cases involving "Driving Under the Influence" and in other cases where a sobriety examination is given to any person.

DPD 244 - Damaged Car Memo

- a. This form shall be carried by all cars. A copy is filled out on all suspected hit and run vehicles.
- b. If there are occupants in the car, their names and addresses should be listed. If occupied or unoccupied, the location should be listed.
- c. Careful attention to damages, missing parts and foreign paint on cars will aid in the processing of the forms.
- d. If the officer knows of an accident in which the car may have been involved, they should list as much information as possible.
- e. These slips are to be turned in at the end of the officer's tour of duty and sent to the Special Operations Division, where they will be checked against cars already reported in accidents, hit and runs, and pickups.

DPD 250 – General Occurrence Reports

Most General Occurrence (GO) Reports are created using Versadex MRE software on either an MDT, or on a desktop computer. Some officers are authorized to write offense reports by hand, instead of the MRE software. Procedures outlined in this part of OMS 109.02 pertain specifically to the writing of GO reports. For a more complete understanding of the MRE software procedures, see the General Offense User Guide.

- b. A General Occurrence report, DPD 250, shall be made in each of the following cases:
 1. Any theft or loss of property, including stolen motor vehicles and bicycles
 2. When malicious damage was caused to private or city property
 3. In all cases of an accident, not involving a motor vehicle, when:
 - a. The accident occurred on city property
 - b. City personnel are involved
 - c. The accident is serious in nature or a death may result
 4. In any known or suspected homicide, suicide, or attempted suicide.
 5. In all cases of known or unknown deaths, including all traffic fatalities.
 6. In all other felony or serious misdemeanor cases.
 7. In all cases involving serious threats.
 8. In cases of landlord/tenant disputes where there is sufficient evidence to believe a criminal offense has taken place.
 - a. Title the report accurately, such as theft, criminal mischief, assault, etc. There is no such offense as "landlord/tenant".
 - b. If the offense is a crime against the property, the owner of the building is the victim.
 - c. When a theft is involved, include information about any rental contract and the existence of a signed inventory of the premises in the body of the report. If there was an eviction, include information concerning when and by whom it was made.
 - d. Criminal mischief reports require a list of the estimated damages and the name of the qualified person who made the estimate.
 - e. The reporting officer should also note the existence of any "damage deposit" or any other kind of deposit which could be considered a damage deposit.
 - f. Call the Crime Lab to take photographs ONLY if extensive and obviously deliberate damages are evident.
 9. If multiple commercial storage spaces, hotel or motel units, or other transient facilities under a single manager are burglarized, the burglaries shall be reported as one offense, making one original report and as many additional reports on DPD 250 as are necessary. However, if multiple individual living areas or commercial spaces which are rented or leased to the occupants for permanent use are burglarized, each offense shall be reported separately.
 10. All burglary reports are to be made at the scene to determine the M.O. and need for Crime Lab response.
 11. When more than one person is victimized during a robbery, only one criminal offense has occurred. One report shall be made in such a case but shall include the names of all the victims.
 12. A General Occurrence report, DPD 250, shall not be made by uniform personnel in cases involving bad checks, concealment or removal of mortgaged property and the non-return of rented property. Persons wishing to report these offenses shall be referred to the appropriate section or unit.

- a. The following cases involving vehicles shall be referred to the appropriate district investigative unit or the investigative unit at Denver International Airport: concealment and/or removal of mortgaged vehicles, theft of rental property (motor vehicle) or equity skimming of a vehicle.
 - b. Mortgaged property, excluding vehicles, shall be referred to the appropriate district investigative unit or the investigative unit at Denver International Airport.
 - c. Bad checks, forgeries and non-return of rented property other than vehicles shall be referred to the Fraud Unit.
- 13. A General Occurrence report, DPD 250, will be made when a person requests to report the loss of a check or financial transaction device. If that is the only property missing, and the loss is not a part of another offense such as burglary, theft or theft from motor vehicle, the report will be titled "Lost or Stolen" and specify "Checks" or "Financial Transaction Device".
 - a. A description of the check or financial transaction device should include the name of the bank and account number, the name of the account holder as it appears on the check or financial transaction device and the number(s) of the missing check(s).
 - b. The body of the report should include the information that the report was made "For Record Only".
 - c. If the loss is part of another offense, the report title should indicate the proper offense.
- c. Serious offenses: General Occurrence report, DPD 250, documenting any of the serious offenses listed in OMS 301.01 (6) shall be handled in this manner:
 - 1. The officers at the scene shall complete their report after making a thorough investigation of the incident.
 - 2. After the report has been approved by a supervisor, it shall be IMMEDIATELY hand-carried to the Records Section, or, when Records is closed, to the Identification Section.
 - 3. If the report is completed at the scene, the investigating detective present may take the report and assume responsibility for obtaining and routing copies.
- d. Once a General Occurrence report, DPD 250, has been sent to the Records Section and is assigned a number, absolutely no additions or deletions may be made on the original document. Any corrections or additional information must be made on an Additional General Occurrence report.
- e. The General Occurrence report, DPD 250 has four elements: DPD 250, DPD 250C, DPD 250SR and DPD 250I.
- f. The GENERAL OCCURRENCE REPORT, DPD 250, will be referred to as the "long form", not because of its size, but because it gathers a great deal of information. This form is a public record.
 - 1. Solvability factors are included in the grey areas of DPD 250. The number of positive responses will determine the amount of investigative resources that can be allocated by the department. Eight solvability factors are included: witnesses; suspect named, located or described; suspect vehicle ID; significant MO; physical evidence; traceable stolen property.
 - 2. Most of the report is self-explanatory. It is only necessary to fill in the blanks and check the appropriate boxes.
- g. Filling out the front of DPD 250, by section.
 - 1. OFNS: Title the report with the most serious type of offense appropriate.
 - 2. VICTIM

- a. If a business, use the firm's name. In the case of a store robbery, use the clerk as the victim, followed by the business name in parenthesis.
 - b. Several victims: Use the space in the WITNESS/ADD VICT section. If that space is needed for witnesses, list additional victims on another DPD 250.
3. REPORTED BY: If the victim is the reporting party, there is no need to repeat the information, just check the box in front of "Victim". If an officer is the reporting party, the name and serial number are sufficient. If "other", fill out completely.
4. WITNESS/ADDITIONAL VICTIMS
 - a. The importance of this section is in locating and recording accurate information about any witnesses. Witness information is a critical solvability factor. The reporting officer should supplement the report with witness statements on DPD 366.
 - b. In cases of homicide, suicide or police shooting incidents, the existence of witnesses should not be indicated on the report. Relay this information to the detectives using the Inter-Department Correspondence, DPD 200.
 - c. When confidentiality is a factor:
 1. When confidentiality is a factor, check the Solvability section pertaining to witness, but don't fill out witness information. Use the Neighborhood Survey found on the back of DPD 250C for the name, address and phone number. In the comments section, note "Statement Made".
 2. When a witness with unusually sensitive information is reluctant to make a statement, the information should be summarized on Inter-Department Correspondence, DPD 200, addressed to the detective or included in the officer's statement.
5. SUSPECT: Space is allotted for information on two suspects. Nicknames and hangouts which may be helpful should be noted.
6. SUSPECT VEHICLE: Complete whatever information the victim or witness can provide.
7. VICTIM VEHICLE
 - a. This section is used primarily for stolen motor vehicle and stolen bike reports. Use acceptable abbreviations.
 - b. This area can also be used to describe the victim's vehicle if it was involved in a criminal mischief, theft from motor vehicle, homicide, assault, etc.
8. ADMIN
 - a. After filling out the report and before having the complainant sign, officers shall read to the complainant the statement on the bottom of the report affirming that the information is true and correct.
 - b. This area requires the complainant's signature unless one of the following circumstances exist:
 1. Any type of homicide or "known dead".
 2. Any extremely unusual or extenuating circumstances which would place the Department in an embarrassing position if the report is not taken, even though the complainant does not sign.

3. Domestic Violence cases - the complainant's signature is not required on a General Occurrence report, DPD 250, for prosecution. When probable cause exists, the officer will charge and arrest the suspect. See OMS 104.50.
- c. Juveniles can sign a General Occurrence report as the person reporting. A parent or guardian, if available, should countersign the report. However, when it is not practical or convenient, the juvenile's signature is sufficient.
- d. The reporting officer may recommend early case closure because of lack of investigative leads (solvability factors) by checking the "Case Inactive" box.
- e. The supervisor reviewing the report may support this recommendation by checking the "No Further Investigation Recommended" box.
- h. Completing the Back of the Report (by section)
 1. POINT OF ENTRY/WHERE ATTACKED: This area generates information on the suspect's "M.O." It is necessary to circle either "Point of Entry" or "Where Attacked", depending on the type of offense. In some instances, both may be appropriate, i.e. burglary/sex assault cases.
 2. METHOD OF ENTRY/ATTACK: Sufficient information is needed to give a clear picture of what happened. Depending on the type of offense, circle either "Method of Entry" or "Attack". If entry was not made, it's not necessary to fill this out.
 3. SIGNIFICANT M.O., PHYSICAL EVIDENCE
 - a. This section requires some element of the "M.O." to be unique enough to be associated with a particular suspect.
 - b. Any significant evidence at the scene should be processed by Crime Lab personnel. The Crime Lab must be called on: homicide, police shootings, suicides and suspicious deaths, burglary/sexual assault and safe jobs.
 - c. Information concerning evidence in police shootings or homicides, or other information which could compromise an investigation if it became public knowledge should not be included in the General Occurrence report, DPD 250. This information must be included in the officer's statement, which becomes a part of the detective's case file.
 4. LOST/STOLEN/DAMAGED PROPERTY/NARRATIVE
 - a. LOST OR STOLEN. Reporting officers will make a special effort to get a complete description of articles stolen (serial number, size, type, make, color, design, marks, etc.) Methods of positive identification can be a serial number, Social Security or business tax number or a unique mark. The mandatory fields to be accepted by the computer are "type, brand name and serial number".
 1. Weapons: To be accepted by the computer, the make, caliber, type of action, and serial number must be reported.
 2. Stolen checks, bank notes, bonds, other securities: Describe completely, but assign no value to the items. The owner's Social Security number is required for food stamps and securities.
 3. Money orders and Travelers Checks are treated as cash.
 4. Lost or Stolen License Plates. Indicate the type of license, state of registration, and plate or temporary permit number in the stolen property section.

5. Other items are easily identifiable without a serial number, i.e. pieces of jewelry or artwork. Items of jewelry are often unique because of inscriptions, engravings or design. Reporting these complete descriptions increases the case solvability and chances for recovery. Even without a serial number, these items can be entered on the computer system.
6. Value - List a reasonable value on stolen property, based on actual second-hand or wholesale values.
- b. DAMAGED PROPERTY: The property must be accidentally or maliciously damaged as an event in itself, not damage resulting from another criminal incident, i.e. a broken window at the point of entry of a burglary.
- c. NARRATIVE
 1. This section begins after the stolen/damaged property is listed. If additional space is needed, use DPD 250C, which also provides a grid for diagrams.
 2. Repetition of details already covered will be avoided. All material facts, findings or other pertinent data concerning the offense will be clearly and concisely entered.
 3. Use a chronological approach when reporting the details of the offense.
 4. When investigating serious crimes, keep the narrative brief to safeguard the investigation.
 5. This section provides statistically important information and the reporting officer need only answer the questions and check the appropriate boxes.
- i. Reports to be completed by the victim
 1. In certain instances, victims will be provided reports which they are to complete and mail to the Records Section.
 - a. If there is no suspect or witness information available and if the report is being made for insurance purposes only.
 - b. If victims have experienced property losses not completely identified at the time the General Occurrence report, DPD 250, is made.
 - c. None of these preceding four conditions apply to original burglary reports.
 - d. Gas drive-offs, whether or not a license number is obtained, and there is no other criminal violation.
 2. Mail-in reports (DPD 250 SR) are available through any District Station, the Headquarters Information Desk or by mail from Denver 911. Uniform officers should also have them available for use. The mail-in reports are for incidents that occurred in the City and County of Denver
 3. The officer or Denver 911 agent will obtain the following information and place it in the appropriate space on the report form.
 - a. Type of offense
 - b. Location of offense
 - c. Victim's name
 - d. Victim's complete address
 - e. Report number, if known, in the case of an additional report
 4. All applicable boxes on the top of the report shall be checked, as well as the "Completed by Victim" box.

- a. If the caller insists on seeing an officer, one will be sent
- 5. Anytime that a counter report for an offense would be indicated or recommended it shall be the policy of the police department to also offer the option of an Internet report. Internet reports may be accessed via the World Wide Web at <http://www.denvergov.org/Police>. If Operations Manual policy and procedure mandate or recommend a police response, then counter reports or Internet reporting shall not be considered a substitute for that response. Internet reporting is strictly an option and not an alternative for those situations where citizens prefer to appear in person to complete a counter report. Officers will not discourage citizens from appearing at a police facility to complete a counter report.

DPD 250 C

- a. One side of this form is a continuation page for lengthy narratives and diagrams, whenever needed. This side is titled GENERAL OCCURENCE REPORT and is a part of the public record.
- b. The second side is titled NEIGHBORHOOD SURVEY. This portion of the document has been declared to be an investigative note and is NOT a public record.
 - 1. The purpose of the neighborhood survey is to determine if there are witnesses to the offense. It is the responsibility of the officer to locate and interview these persons.
 - 2. Include all addresses checked, even if no contact is made. Include all persons contacted, making note of those who state they are not witnesses.
 - 3. If a witness is located, obtain a statement on DPD 366.

DPD 250 I

DPD 250I is an index-size card printed on two sides. One side provides the victim with the name of the officer completing the report, the type of offense being reported and directions for obtaining a case number via the telephone, as well as instructions for getting new or additional information to the proper investigator. The other side informs the citizens of services provided by the Denver Police Department.

DPD 250 SR

DPD 250 SR is a one-sided General Occurrence (GO) Report primarily used for counter, telephone or mail-in reports when no witnesses, suspects or any significant physical evidence have been identified. Instructions for the victim are printed on the back side. When completed, this form is a public record.

DPD 251 - Supplementary Report

- a. This report shall be made by all officers assigned to investigate a complaint after the preliminary investigation has been made by the reporting officers and the General Occurrence report, DPD 250, has been received.
- b. It is essential that the case number appearing on the original report be placed on the Supplementary Report so they can be readily identified in the Records Section and be made a part of the original case.
- c. In using the Supplementary Report, it will be necessary to give the date and approximate time that investigations are made, setting forth the names, addresses, and telephone numbers of the persons interviewed. If an officer interviews several persons in one day concerning one particular case, all the information received should be placed on the form. Such statements as "still checking," "still under investigation," and other similar remarks will not be accepted. The officer must report the names of persons with whom they talked, when they talked to them, and the information obtained. Unless this is done, the report will be returned to the investigating officers for correction.

- d. Supplementary Reports must be prepared when property has been recovered or additional information received on a General Occurrence report, DPD 250. The value of the recovered property must never exceed the value originally appearing in the General Occurrence report, DPD 250.
- e. Whenever an offense is cleared by arrest and the suspect is apprehended, the suspect's name, age, address and Denver Police Department number must appear on the Supplementary Report along with the date of the arrest and the charge filed.
- f. Investigating officers shall complete a Supplementary Report and forward it to the Records Section within 15 days after assignment to an investigation. In cases where all logical leads have been pursued without results and there appears to be no reason for continued activity in connection with a particular case, the case may be reported inactive.
- g. Copies and distribution of the Supplementary Report are the same as DPD 250.

DPD 252 - NCIC/CCIC/DCIC Wanted/Missing Persons

- a. Whenever an officer, with probable cause, wishes to place a pickup on a known or unknown person for a violation of a city ordinance, or on a missing person, they shall use and forward this form to the Identification and Records Bureau.
- b. All officers placing wanted notices (pickups) will forward DPD 110, Wanted or Missing Person Form, and DPD 252, NCIC Information, to the Identification Section. Both forms must contain the most complete and accurate information available to the officer at the time the wanted notice is placed. The officer placing the pickup shall attempt to determine what vehicles are registered to and/or associated with the wanted/missing person and include that information on the DPD 252.
- c. When the wanted notice is placed on the computer system, an NCIC number(s) will be placed on the form by the operator. DPD 252 will then be returned to the issuing officer. The officer will retain the form until the person is arrested, located or a case disposition is made. The issuing officer will then re-submit the original DPD 252 to the Identification Section so the pickup will be cleared from the computer system.
- d. To avoid repeated arrests for the same charge, the officer placing a pickup will cancel it as soon as possible.

DPD 252B - NCIC / CCIC Stolen / Recovered Guns / Articles / Securities

This form originates as a work sheet used by officers requesting information entry or cancellation about a stolen or recovered gun, article or security on the NCIC CCIC computer systems. The officer completes the form and forwards it to the Pawnshop Records Unit where an operator codes and enters the information. An identifying number is recorded on the form and the document is attached to the original case.

DPD 255 - Continuation Report

This report is made in conjunction with the General Occurrence report, DPD 250, where death occurs. The number of copies and the distribution is the same as DPD 250. A Continuation Report is not made on attempted suicide or a traffic fatality.

DPD 263 - Property Management Bureau Inventory Record

This form is used by the Property Management Bureau.

DPD 265 - Property Withdrawal Form

This form is used by the Property Management Bureau to record disposition of evidence checked out for use in court or released to owner.

DPD 267 - Fleet Maintenance Work Request

- a. Used to report damaged or defective police vehicles.
- b. The top third of this form is completed by the reporting officer and accompanies the vehicle to the Police Garage.

- c. Upon completion of repairs, the fleet supervisor will complete the middle third of the form and return it with the repaired vehicle.
- d. The reporting officer will ascertain if the ordered work was completed in a satisfactory manner. The bottom third of the form will then be completed and forwarded to the Fleet Management Bureau.

DPD 271 - Bicycle Impounding Tags

When officers impound or confiscate a bicycle, they will complete and attach this form to the bicycle. If the owner is present, give them the bottom half of the tag as a claim check.

DPD 272 - Criminal Summons & Complaint (Generic)

This form is a version of the CS&C with no pre-printed charges. It is used to charge a defendant with any misdemeanor violation of the Colorado Revised Statutes such as, but not limited to, third degree assault, misdemeanor theft, criminal trespass, DUI, DUS, or harassment.

DPD 275 - Felony Processing Form

Officers and investigators use this form, also known as a P.A., to initiate the process by which a prisoner held in the Detention Center on a felony investigation charge is brought before the Court, advised of his rights and made eligible for bond. Officers and detectives will not fill out bond amounts, but should mark the appropriate box, indicating that the bond is to be set according to the bonding schedule or is to be set by the court. The Court uses this form to safeguard Constitutional guarantees and to set bond amounts.

DPD 275M - Uniform Traffic Summons and Complaint/Penalty Assessment Notice

This form is a legal document within the criminal justice system of the City and County of Denver. It will be used any time a person is cited for a moving traffic violation of the Revised Municipal Code of the City and County of Denver or Colorado Revised Statutes. Whenever a driver is jailed on a traffic charge, the Uniform Traffic Summons and Complaint/Penalty Assessment Notice is to be completed and the appropriate copy distribution made. See OMS 204.05, 204.06, and 204.10.

DPD 281 - Wanted Fugitive Form

Filled out by the Fugitive Unit and sent to the district in which the suspect lives. The form is returned to the Fugitive Unit by the officer attempting to make the arrest. The results of this action are noted on the card.

DPD 286 - After Action Report

This form will be completed following serious police/public confrontations and other incidents such as hostage situations or shootings involving police officers, in order to provide information for procedural analyses and future planning. Copies of this completed report must be forwarded to the Offices of the Chief of Police, Manager of Safety, and Deputy Chief of Operations, and to the commanders of other divisions whose personnel participated or should otherwise be aware of the incident. See OMS 502.07.

DPD 287 - General Sessions Summons and Complaint

This legal document is used whenever an arrest is made as well as when an officer orders the defendant into County Court to answer to charges of having violated the Revised Municipal Code of the City and County of Denver. Traffic and Juvenile arrests are excepted. See OMS 104.03, 204.05.

DPD 287A - Statement of Probable Cause, cont.

Used when there is insufficient space on the General Session Summons and Complaint or Juvenile Case Summary, when a person is jailed on a CS&C or when additional charges are placed against a prisoner in custody.

DPD 288 - Warrant Arrest Report

This form is used to jail persons wanted on verified warrants.

DPD 297 - Special Report/News Release

Used when officers are involved in a situation or involved in the investigation of a case that may become a major newsworthy event. Original is sent to Public Information Office for distribution.

DPD 299 - Police Vehicle Accident Data Sheet

This form is initially prepared by the responding supervisor or Traffic Investigations Bureau detective in charge of the investigation of a police vehicle traffic accident. The form is also used to record the accident review findings of the officer's commander and the subsequent administrative recommendations for disciplinary action. See OMS 203.08 and 203.09.

DPD 305 – Street Check

Street Checks are used to record information about vehicles or persons whose appearance, actions, or mere presence at a particular location appear to be suspicious to the officer. A Street Check is also completed after any arrest when the information may be of value to investigators and other officers. Street Checks are forwarded to the Records Section from the district station or section or unit generating the completed forms. Information entered into the computer system is available to all officers of the Police Department.

DPD 308 - Evidence Tags

This form is used when any property of evidentiary nature is taken into custody and a tag would be the suitable implement for identification.

DPD 309 - Personal Property Tag

To be used when any property not having evidentiary value is taken into custody and a tag would be the suitable implement for identification.

DPD 314 - Misdemeanor Processing Form

Investigators use this form (also known as a P.A.), to initiate the process by which a prisoner held in the Detention Center on a misdemeanor investigation charge is brought before the Court, advised of his rights and made eligible for bond. Officers and detectives will not fill out bond amounts, but should mark the appropriate box, indicating that the bond is to be set according to the bonding schedule or is to be set by the court. The Court uses this form to safeguard constitutional guarantees and to set bond amounts. DUI arrests are excluded. See OMS 302.02 (5)

DPD 320 - Supplementary Report - Traffic Investigations Bureau

This form is made as a follow-up to accident reports when additional information is developed and is usually made by TIB detectives.

DPD 325 - District Emergency Call Card

Information on this card kept at the district station indicates who is to be called whenever an emergency occurs at each business establishment in the district.

DPD 327 - Car Location Tags

This form is used at district stations to show location of each department vehicle assigned there and to whom it is currently assigned.

DPD 338 - Accident Information Exchange

This form is given to persons involved in motor vehicle accidents for the exchange of information. See OMS 203.01 (3)f

DPD 340 - Emergency Mental Illness Report

This form is completed whenever a person is taken into custody for suspected mental illness. See OMS 104.30(2).

DPD 341 - Request for Laboratory Examination

Filled out in triplicate for any item of evidentiary value which needs to be analyzed, compared or examined microscopically. For items left in the Property Management Bureau, all copies of the form are left with the evidence. In the case of vehicles needing examination, the completed form shall be forwarded by the assigned detective to the Crime Laboratory Bureau.

DPD 347 - Traffic Case Summary

This form is made on all cases of hit and run with the exception of early case closure investigations. The original shall be attached to the accident report and sent to the Records Section.

DPD 366 - Statement

This form is completed by an officer, witness, or person advised. When used in felony criminal investigations, it remains with the case filing and is sent to the District Attorney's Office.

DPD 368 - List of Witnesses

This form is to be used in the filing of all cases with the District Attorney's Office.

DPD 369 - Advisement

This form is made in cases of arrests for violation of laws and/or ordinances prior to the questioning of a suspect. Make two copies and both are to be hand-carried to the appropriate investigative section or unit. See OMS 302.10.

DPD 370 - Affidavit for Search Warrant

A written or printed declaration or statement of facts. See OMS 104.11.

DPD 371 - Search Warrant

An order in writing which is issued by a justice or other magistrate, relating facts to establish probable cause to search. See OMS 104.11.

DPD 372 - Consent to Search

This form must be signed by the owner or legal occupant of premises, if agreeable, so that officers may search without a search warrant. Search warrants are preferable.

DPD 382 - Blood Alcohol or Drug Analysis Request

This form is used whenever an officer wishes the Denver Police Department Crime Laboratory to check for the alcohol and/or drug content of blood. See OMS 204.04.

DPD 384 - Domestic Abuse Restraining Order/Emergency Protection Order Violation - Judicial Case Summary and Victim Advisement

A form completed by an officer when an arrest is made for a violation of an Emergency Protection Order or Restraining Order to Prevent Domestic Violence. The top half of the form satisfies the legal requirement advising the victim of the right to initiate contempt proceedings against the violator. The bottom half is the officer's letter to the issuing court.

DPD 385 - Domestic Violence Case Summary

This report is required to be filled out in all incidents of domestic violence investigations. When the domestic violence incident is in violation of the Denver Revised Municipal Code, attach the Domestic Violence Case Summary to the City Attorney's copy of the General Session Summons & Complaint, DPD 287, or General Sessions Summons & Complaint/Warrant, DPD 236. In domestic violence investigations that require the completion of a General Occurrence report, DPD 250, forward the Domestic Violence Case Summary and all other paperwork to the Domestic Violence Investigation Unit, Major Crimes Division, via inter-department mail.

DPD 386 - Juvenile Summons and Complaint/Warrant

This dual-purpose form is used for violations of city ordinances which meet the District Attorney's filing guidelines. If the juvenile is in custody, or a relative over 18 years of age can be contacted, the suspect is ordered directly into court. If the juvenile is identifiable (name and date of birth at a minimum) but cannot be located, the form can be used to apply for an arrest warrant.

DPD 425 - Criminal Summons and Complaint (Traffic)

This form is used to charge a defendant with any misdemeanor traffic violation of the Colorado Revised Statutes, such as DUI or DUS.

DPD 427 - Criminal Summons & Complaint (Property Crimes)

This form is used to charge a defendant with misdemeanor violations of the Colorado Revised Statutes which fall into the property crime category, such as misdemeanor theft, criminal trespass and criminal mischief.

DPD 453 & DPD 453A - Vehicular Pursuit Report

This report will be completed following every vehicular pursuit in which Denver officers are involved. Copies of this completed report will be distributed in accordance with OMS 204.01

DPD 460 - Forced Entry Report

Completed in all cases when entry is forced into a structure or vehicle. The original is forwarded to the Civil Liability Bureau, together with any photos and copies of warrants. Duplicate copies are sent to the commanders and deputy chiefs of the involved officers.

DPD 486 - Criminal Summons & Complaint (Crimes Against Persons)

This form is used to charge a defendant with the misdemeanor violations of third-degree sexual assault or harassment.

DPD 486A - Criminal Summons & Complaint (Crimes Against Persons)

This form is used to charge a defendant with misdemeanor violations of the Colorado Revised Statutes falling into the crimes against persons category, such as third-degree assault, menacing and resistance.

DPD 494 – D.U.I. Short Form

This report will be completed in cases involving "Driving Under the Influence" when suspects are turned over to the custody of officers of the DUI Unit, or other processing officers.

DPD 599 - Accident Victim Information Sheet

This form is provided to all drivers involved in an accident as well as to the owner/victim of a vehicle involved in a hit and run. This form provides follow-up information to frequently asked questions concerning their accident.

DPD 681 - Alarm Subscriber Notification Card

This form is completed whenever an officer responds to a false alarm.

(3) Forms supplied by other agencies and frequently used by the Denver Police Department:

a. **Affidavit of Physical Inspection (DR 411)**

This form is used when application is made for motor vehicle title in the State of Colorado. Every officer is authorized to make this inspection. Inspecting officers need only be concerned with the "Affidavit of Physical Inspection", located in the lower half of the back of the form. After filling in the vehicle description and the license information and after verifying the VIN by comparison with the license information, they will then sign as inspecting officer, with rank, serial number, and date. The official inspection station will be the Denver Police Department.

b. **Inter-Departmental Referral (Form 45 ADM)**

This form is used to refer various cases and complaints to other city agencies. It may be used in General Violations Bureau cases where the officer does not have sufficient knowledge or evidence to cite.

c. **State of Colorado Traffic Accident Report (DR-2447)**

This form is to be used whenever a motor vehicle is involved in an accident. See OMS 203.02.

d. **Parking Citation (Form PM 275)**

This form is to be used for the official notice of parking violations. It is a legal document. When completed, the second copy is placed on the vehicle and the original in the ticket box at the officer's station. See OMS 204.18.

e. **State of Colorado Report of Motor Vehicle Accident (DR2301)**

This form is a confidential report required by the "Motor Vehicle Financial Responsibility Act", C.R.S. §42-7-202. This report must be completed by the operator or owner of a motor vehicle involved in an accident and filed with the Colorado Motor Vehicle Division within 10 days if:

1. The accident resulted in death or bodily injury to any person or
 2. Damage to any property and,
 3. Proof of insurance was not provided to a law enforcement officer at the time of the accident and subsequently reported on the Traffic Accident report (DR447). DMV will accept the written report of a law enforcement officer that parties involved in a motor vehicle traffic accident had insurance coverage at the time of the accident.
- f. **State of Colorado Fatal Traffic Accident Supplemental Report (DR- 2447A)**
This form is to be used whenever a motor vehicle accident involves a fatality. This report is completed by detectives assigned to the Traffic Investigations Bureau. See OMS 203.03.
- g. **State of Colorado D.U.I. Law of Expressed Advisement (DR-2576)**
This form is used to advise DUI suspects of the Law of Expressed Consent. This form is also available in Spanish.

109.03 Records Available

- (1) All original General Occurrence/Accident Reports are filed by case number. The original report is also indexed and can be found in four ways:
 - a. Complainant's or firm's name.
 - b. Specific address of the crime.
 - c. Case number, if known.
 - d. Person reporting this offense if someone other than the complainant.
- (2) All Accident Reports are filed by case number; however, the original report is indexed and can be found in six ways:
 - a. Driver's name, if more than one, all are indexed.
 - b. Intersection at which accident occurred.
 - c. Name of any injured party.
 - d. Owner of vehicle.
 - e. Owner of any other damaged property.
 - f. By case number, if known.
- (3) All Arrest Reports are filed chronologically by DPD number and name.
- (4) All Sick and Injured Reports are filed alphabetically.
- (5) All Sobriety and/or Blood Alcohol examinations are filed alphabetically.
- (6) All Juvenile Arrests are filed alphabetically.
- (7) All Radio Calls are filed chronologically.
- (8) The Data Section prepares various statistical reports for administrative purposes using information from General Occurrence, Accident, Arrest Reports, and Traffic Summons and Complaints. These reports are available for inspection by all officers with the approval of their Commanding Officer.

109.04 Availability of Information Contained Within DPD Criminal Justice Records

- (1) Records Disclosure Policy
 - a. This Records Disclosure Policy is based upon the following:
 1. Denver Police Department's (DPD) obligation to manage records disclosure in a way that protects the integrity of the criminal justice process, thereby requiring that some records maintained by DPD must remain confidential.
 2. The public's interest in understanding how DPD conducts business and knowing about crime in the community.

This policy is intended to address these sometimes competing principles while conforming to provisions in the law both compelling and prohibiting disclosure of certain records.

This purpose statement is purely informational and is not intended to control whether records should be released or to establish policy where no specific policy applies. If there is any conflict between the following specific sections of this policy and the purpose statement, the sections below govern.

- b. The Manager of Safety is the official custodian of all records kept or maintained by the Denver Police Department and, as such, has the ultimate authority regarding release of those records. That authority, however, may be delegated to the Department of Safety Records Coordinator. Any reference in this policy to the "custodian" of records means the "official custodian."
- c. The procedure for making a records request is as follows:
 - 1. Any person or entity requesting DPD records must submit a written request by mail, e-mail, or facsimile to:
Records Coordinator - Manager of Safety's Office
1331 Cherokee Street, Denver, CO 80204
e-mail: recordscoordinator@ci.denver.co.us
Facsimile (720) 913-7035
Telephone (720) 913-6262
 - 2. The request must describe in as much detail as is reasonably possible the specific records sought and provide the requestor's name, address, telephone number, and preferably e-mail address.
 - 3. Records requests cannot be made over the telephone; however, general inquiries regarding the records request process may be made by telephone.
 - 4. After a request is received, the Records Coordinator will review the request in accordance with this policy and will grant the request in whole or in part or will deny it. A partial grant may involve withholding certain records in their entirety or redacting information from some of the records.
 - 5. The Records Coordinator will make reasonable efforts to notify all currently employed DPD officers who are the subject of records that have been requested or who the Records Coordinator believes in the exercise of his/her discretion should be notified of the records request. It is the responsibility of all officers to regularly check their e-mail and other messages to determine whether any notifications described in this paragraph have been sent to them.
- d. If the Records Coordinator determines that a request will be granted in whole or in part, the following process will be followed:
 - 1. If a request is made for a record for which a specific policy or protocol exists (for example, requests for accident and General Occurrence (GO) reports are handled by DPD's Records Bureau), the request shall be forwarded to the appropriate bureau or unit for processing, and the fees for such requests shall be charged in accordance with Denver Revised Municipal Code (DRMC) § 42-1. Requests for information for discovery in civil, criminal, and administrative cases shall be directed to the Denver City Attorney's Office. All other requests will be handled by the Records Coordinator.
 - 2. The Records Coordinator will provide the requester a good faith estimate of the fee for locating, retrieving, preparing (which may include redacting certain information), and/or copying the records. The Records Coordinator will publish a schedule of fees for locating, retrieving, preparing (including redacting), and copying of records. In some instances (e.g., those involving voluminous requests), the Records Coordinator may be required to expend time retrieving and reviewing records in order to determine which records, if any, will be released. In those instances, the Records Coordinator may charge a fee to the requester for this review even if the Records Coordinator ultimately determines that no records or only some of the records will be released.

3. The requester must pay the fee prior to the Record Coordinator's processing the request when the Records Coordinator's good-faith estimate is equal to, or greater than, \$50.00. The Records Coordinator prefers that payment be made by check or money order, payable to "Manager of Revenue," but will accept cash.
 4. The Records Coordinator will not waive any fees except for requests made by law enforcement agencies or other City agencies. Only the Records Coordinator, in his or her sole discretion and in accordance with applicable legal authority, has the authority to grant additional exceptions to this fee waiver policy.
 5. The Records Coordinator is not required to manipulate computerized data or to modify existing records in order to create a new record in response to a request.
 6. Records of official actions (defined later in this policy) shall be provided within three business days of the request so long as the fee has been paid. "Business Days" are defined as Monday through Friday excluding City holidays.
 7. If the Records Coordinator determines that any requested records other than records of official action are to be disclosed, the Records Coordinator shall make those records available within a reasonable time not to exceed ten (10) business days. However, in circumstances that make it impracticable to provide records within ten (10) business days, the Records Coordinator may take additional time to process the request and in that case shall so advise the requester.
 8. The Records Coordinator will make copies of the records to be disclosed. For large volume requests, the Records Coordinator may identify an outside copying service and require that the requester pay the outside copying service in advance for the requested records.
 9. If a request is granted in part (that is, if some of the documents requested are withheld or redacted), the Records Coordinator shall advise the requester accordingly. Upon request, the Records Coordinator shall provide a written statement within three (3) business days citing the legal basis for the withholding or redaction.
- e. If the Record Coordinator determines that a request should be denied in whole or in part, the following process will be followed:
1. The Records Coordinator shall advise the requester that a request is being denied in whole or in part. If the requester requests a written statement of the grounds for the denial, the Records Coordinator shall provide that statement within three (3) business days, citing the legal basis for the denial.
 2. The Records Coordinator is not required to provide records that are not in his/her custody or control (including records that are in the custody or control of other entities or that are no longer retained by DPD in accordance with DPD records retention policies). If the Records Coordinator is aware of which entity has custody or control over records that are requested from DPD and if the requester requests information regarding who has custody or control of the records, the Records Coordinator shall advise the requester which entity has such records.
 3. DPD will not release information to requesters who intend to use the records or information for the purpose of soliciting business for pecuniary gain.
 4. The records request process described in this policy shall not be used to circumvent or substitute for discovery processes in civil and criminal litigation and administrative actions.
- (2) Access to Records
- a. There are three (3) categories of records held by the DPD for which release is governed by the provisions of Colorado's public records laws and which are subject to this records disclosure policy. Each of the three (3) types is described in more detail below:
 1. Records that must be made available to the public – **"REQUIRED DISCLOSURES"**
 2. Records that must be analyzed by the Records Coordinator before deciding whether to release the records – **"DISCRETIONARY DISCLOSURES"**

3. Records that cannot be made available to the public – **“PROHIBITED DISCLOSURES”**

b. Required Disclosures

1. Records of “official action” as defined by Colorado state law must be made available to the public upon request. However, there may be information that must be redacted prior to release of the record because the redacted information may not be disclosed.

Note: Records of official action are not frequently contained in DPD’s files, but rather are more often found in court records.

2. **“Official Action”** means:

- a. Arrest (consequently, records of arrests of adults are required to be disclosed unless an arrest record has been sealed by a court order);
- b. Criminal indictment, criminal information, or criminal disposition;
- c. Pre-trial or post-trial release from custody;
- d. Judicial determination of mental or physical condition;
- e. Decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and
- f. For any person under a criminal sentence, any decision to formally discipline, reclassify, or relocate that person.

c. Discretionary Disclosures

1. In accordance with Colorado Supreme Court decisions, unless a record falls within the categories of required disclosures (above) or prohibited disclosures (below), the Records Coordinator must exercise discretion and analyze each record individually, taking into account, where appropriate, the following factors to determine whether a record or portions of a record should be released or withheld:

- a. The privacy interests of individuals, if any, who may be impacted by a decision to allow disclosure of the record;
- b. The DPD’s interest in keeping confidential information confidential;
- c. The DPD’s interest in the integrity of on-going investigations;
- d. The public purpose to be served in allowing disclosure of the record; and
- e. Any other pertinent considerations relevant to the circumstances of the particular records request, including whether disclosure would be contrary to the public interest.

2. Examples of records that typically will fall in the “Discretionary Disclosure” category include:

- a. Records of criminal investigations and information regarding specific crimes.
- b. Information regarding calls for service and response times to those calls.
- c. Operations and problem-solving plans.
- d. Information regarding the allocation or deployment of DPD personnel.
- e. Records of Internal Affairs Bureau investigations.
- f. Disciplinary records.
- g. Specialized details of security arrangements or investigations (these records may be released only in accordance with applicable state and federal law, including, but not limited to, the Homeland Security Act, 6 U.S.C. §101, *et seq.*, the Homeland Security Information Sharing Act, and the Federal Information Security Management Act, and any non-disclosure agreements executed pursuant to such laws).

d. Prohibited Disclosures

1. The following is a non-exclusive list of records that are not to be disclosed except as set forth below:
 - a. Social Security Numbers.
 - b. Names and other identifying information of undercover officers and confidential informants and other information that would endanger the undercover officers or informants or compromise their operations.
 - c. Home addresses, home phone numbers, financial information, emergency contacts, benefits information, driver's license information including numbers and pictures, and other identifying information of any City employees or their family members.
 - d. Records of law enforcement agencies concerning juvenile defendants and suspects, including identifying information (which shall be identified as "juvenile records") except:
 1. As permitted in C.R.S. §19-1-304(2)(a)(I) – (XVI) or §19-304(2)(b); or
 2. "Arrest and criminal records information" (as defined in C.R.S. §24-72-302(1)), including a physical description, if DPD is the investigating law enforcement agency:
 - a. Concerning a juvenile who is adjudicated a delinquent for, is subject to revocation of probation for, or is charged with: (i) committing the crime of possession of a handgun by a juvenile; or (ii) committing an act that would constitute a class 1, 2, 3, or 4 felony or would constitute any crime that involves the use or possession of a weapon if such act were committed by an adult. If the juvenile is CHARGED WITH the commission of the delinquent act, the following information shall NOT be released:
 1. Records of investigations (as described in C.R.S. §24-72-305(5)),
 2. Any psychological profile of the juvenile,
 3. The result of any intelligence test, and
 4. Any information regarding whether the juvenile has been sexually abused unless released by court order; or
 - b. When a petition filed in juvenile court alleges that a juvenile between the ages of 12–18 years has committed an offense that would constitute unlawful sexual behavior (as defined in C.R.S. §16-22-102(9)) or a crime of violence (as defined in C.R.S. §18-1.3-406 if committed by an adult) or whenever charges filed in the district court allege that a juvenile has committed such an offense, however records of investigations (as described in C.R.S. §24-72-305(5)) shall NOT be released.
 - e. Reports of child abuse or neglect and the name and address of any child, family, informant, or any other identifying information contained in such reports, except as permitted in C.R.S. § 19-1-303 or §19-1-307 or when authorized by court order.
 - f. Names and identifying information of juvenile witnesses and victims (other than victims of child abuse, for whom no records can be provided; or unless release is expressly provided by this policy).
 - g. Names and identifying information of victims of sexual assault or alleged sexual assault when the file containing the record (including a record of official action) bears the notation "SEXUAL ASSAULT," as per the DPD Operations Manual.

- h. Without a court order, the address and telephone number of a victim or a witness in a restraining order or civil protection order who asks that the information be deleted prior to releasing the applicable report.
- i. Names, addresses, telephone numbers, and personal financial information of past or present users of public facilities (including DPD facilities).
- j. Medical and psychological records (exclusive of coroner's autopsy reports) unless the patient consents.
- k. Diagnostic tests and public health reports regarding HIV/AIDS, as required by C.R.S. §18-3-415, 18-3-415.5, §25-4-1404, and §25-4-1409.
- l. Health insurance information, as required by C.R.S. §10-16-1003.
- m. Letters of reference regarding employment.
- n. Child custody reports and adoption records.
- o. Information that is protected from release pursuant to an evidentiary privilege, including but not limited to the following privileges:
 - 1. Attorney-client privilege (which protects communications between an attorney and his/her client relating to legal advice);
 - 2. Attorney work product doctrine (which protects documents such as the District Attorney's (DA's) case filing form and other items prepared in anticipation of litigation);
 - 3. Patient-physician privilege; and
 - 4. Deliberative process privilege (which protects pre-decisional, deliberative documents which are so candid and personal in nature that public disclosure is likely to stifle honest and frank communications within DPD; this privilege typically covers recommendations, advisory opinions, draft documents, proposals, suggestions, and other documents that reflect the personal opinions of the writer).
- p. Records related to settlement negotiations and mediation.
- q. Criminal history records that are protected from disclosure by federal or state law, including NCIC records.
- r. Sexual harassment complaints and investigations; however, this prohibition does not apply to records that are in court files and records of court proceedings; furthermore, these records may be disclosed to:
 - 1. An administrative agency, such as the EEOC or Colorado Civil Rights Division, investigating the complaint upon a showing of necessity; or
 - 2. A person in interest, which includes both the person making the complaint and the subject of the complaint.
- s. The results of chemical biological substance testing to determine genetic markers.
- t. Certain information relating to arson investigations pursuant to C.R.S. §10-4-1003(1)(b) & (8)(a) and §10-4-1004.
- u. Sealed files or information.
- v. Expunged records.
- w. Records the release of which is contrary to any state or federal statute, prohibited by a rule promulgated by the Colorado Supreme Court, prohibited by an order of any court, or prohibited by case law or any other applicable law.

(3) Records Section

- a. The Records Section stores all original General Occurrence reports, additional Offense reports, Supplementary Reports, Pawnshop Tickets, and Weapon Sales/Registration forms.

1. Send original traffic accident reports to the State of Colorado by the Records Section.
 2. The Records Section will maintain a copy of all accident reports.
- b. Availability of reports
1. Copies of original and additional General Occurrence reports, Traffic Accident Reports, Pawnshop Tickets, and Weapon Sales/Registration forms may be purchased by anyone making such a request.
 - a. Prior to processing, the following information must accompany the request: correct date, time, identity of individuals and/or locations of the event.
 - b. Records Section personnel shall delete the following information when providing copies of General Occurrence reports: names and addresses of juveniles, identification information and signatures of the victims of sex related crimes.
 2. Confidential documents
 - a. The Supplementary Report and all related investigative data are confidential.
 1. These reports are not available for review, nor are they to be reproduced for anyone other than the assigned investigator without the written permission of the assigned investigator, his supervisor, command officer or Division Chief of the investigating unit handling the case. The Document Control Card, DPD 66, is used to inform the Records Section of this permission.
 2. Exceptions to the above are:
 - a. The Manager of Safety
 - b. The Chief of Police
 - c. The Internal Affairs Bureau
 - d. The Civil Liability Bureau
 - e. Representatives from the City Attorney's Office and the District Attorney's Office
 3. The top portion of DPD 320, Supplementary Report - Traffic Investigations Bureau, containing driver, vehicle, owner insurance information, etc., is available to "interested parties" and to the Department of Motor Vehicles.
 - b. Assault weapon registration forms have been classified by City Ordinance as confidential and may not be purchased by the public.
 3. Representatives from major local news agencies may examine and make their notes from the #4 copy of all General Occurrence reports, DPD 250 processed by the Records Section each day.
 - a. Copies of selected General Occurrence reports or Accident Reports whose content may constitute "fresh news" will be provided to media representatives, without cost, for up to 72 hours after the event has been reported to the Denver Police Department. After this period, all media requests for copies of such reports are subject to the usual fees.
 - b. Media representatives who request report copies for their personal use will be charged the usual fees.
- c. The Records Section accepts citizen requests for copies of police reports by mail only. Instructions for obtaining copies are available by telephone and are included on many DPD forms. A report ordering form is available from the Information Desk or any District Station.

d. Fees

1. All requests from citizens must be accompanied by the fees defined in Section 42-1 of the Revised Municipal Code of the City and County of Denver, 1982 as amended. The fee charged by the Records Section of the Denver Police Department for a search for an accident report or General Occurrence report shall be ten dollars (\$10.00). One photocopy of such record shall be provided at no cost.
2. Copies of the complete Original/Additional General Occurrence report, Traffic Accident Report, or any Pawnshop Records Unit document will be furnished, without charge, to properly identified representatives from:
 - a. Duly authorized local, state, and federal law enforcement agencies.
 - b. City Attorney's Office
 - c. Denver District Attorney's Office
 - d. Coroner's Office
 - e. Court Clerk's Office
 - f. Parole Department
 - g. Probation Department
 - h. Denver Civil Service Commission
 - i. Career Service Authority
 - j. Auraria Campus Police
 - k. Denver Public Schools
 - l. Any other agencies designated by the official custodian of Police Records

- e. Personnel not assigned to the Records Section may conduct file searches ONLY with the permission of the Commanding Officer of the Identification & Records Bureau.

(4) Identification Section

- a. The Identification Section generates and maintains criminal history records, fingerprints and photographs. Release of any information is subject to the restrictions imposed by the Colorado Revised Statutes, the Revised Municipal Code and the policies of the Denver Police Department.
- b. Identification Section personnel will respond to Denver law enforcement agency requests at the Police Counter twenty-four hours each day. There is no charge for any file search or copy provided.
 1. All requests for copies of criminal justice records must be made in person or via mail. As many as three requests can be submitted by an officer at the Police Counter for immediate response. All requests must be made on DPD 241, Record Search Application. Requests for more than four checks will be left with ID personnel for later response.
 2. Phone Requests
 - a. When it is essential to request criminal justice records information over the phone, Denver Police Officers are required to give their serial numbers, assignments and a callback number to Identification Section personnel.
 - b. Denver District Attorneys or City Attorneys may be given information needed in court over the telephone when there is not adequate time for such information to be forwarded through the mail or picked up in person. Identification Section personnel are required to call the requesting party back at a known court or office telephone number.
 3. Although Denver Police Officers generally have unlimited access to criminal justice records, the following restrictions apply:

- a. Officers shall not make courtesy ID checks for a secondary employer or for any other private citizen. All persons making such requests shall be referred to the Identification Section.
 - b. Information obtained from criminal justice records relating to official actions of the Police Department may not be sold or provided without cost, in any manner or form, to persons outside the criminal justice system
 - c. Denver Police Officers working off duty for a secondary employer can make record checks for an employer if the proper application and payment are made. This task shall not be performed while an officer is on duty.
 - d. Denver Police Officers are permitted to access the criminal justice records of the Denver Police Department while participating in authorized secondary employment whenever such inquiries are made as part of their official duties as law enforcement officers. Such access is not permitted for the convenience of the secondary employer.
 - e. Unless currently employed by a recognized criminal justice agency, retired Denver Police Officers or former law enforcement officers no longer on active duty are viewed as private citizens. Criminal justice records available to private citizens can be purchased by the formerly active officers.
- c. The Identification Section Police Counter will respond to requests from outside law enforcement agencies and approved criminal justice agencies twenty-four (24) hours each day. There is no fee for any file search or copy provided.
- 1. No copies of juvenile mugs, prints, names, addresses or arrest information will be provided to the FBI or any other law enforcement agency, unless such information is essential to a current investigation or will aid in the apprehension of a wanted juvenile suspect.
 - 2. No copies of FBI records will be provided to an outside law enforcement agency except authorized FEDERAL law enforcement agency representatives.
 - 3. No information from the NCIC or CCIC computer files will be provided to an outside law enforcement agency without the approval of the ranking officer of the Identification Section. Persons requesting this information will be instructed to use the NCIC/CCIC terminals of their own jurisdictions.
- d. Availability of Records
- 1. Persons may purchase copies of any:
 - a. Adult Criminal History record containing basic identification information and the record of any arrest made by a Denver Police Officer which resulted in official action. For the purpose of information release, nolo contendere is viewed as an official action equal to conviction.
 - b. Adult photograph of the person named in the request.
 - c. Face of the General Session Summons and Complaint or Criminal Summons and Complaint, after court disposition only
 - d. Detention Facility Booking Slip.
 - e. Adult Master Fingerprint Card.
 - f. Adult Index Fingerprint Card.
 - 2. Persons may NOT purchase copies of any:
 - a. Juvenile Criminal History record, photograph, or fingerprint card.
 - b. Investigative notes on the back of the General Session Summons and Complaint or the Criminal Summons and Complaint.
 - c. Adult Arrest Record, the access of which is limited to criminal justice agencies.
 - d. FBI Records.

- e. NCIC or CCIC computer printout information or hard copy warrant information contained in the Wanted Persons File.
- e. Mail In Procedure
 - 1. Private citizens or representatives of non-criminal justice agencies may, by mail, purchase copies of any criminal justice records, the release of which is not restricted by C.R.S. §24-72-308. See OMS 109.04(4)d.
 - 2. Identification Section Mail Order Forms, DPD 42, may be obtained at any Denver Police Department District Station or at the Police Administration Building.
 - 3. All requests must be accompanied by the fees defined in Section 42-1 of the Revised Municipal Code of the City and County of Denver, 1982 as amended.
 - 4. When the purchase of document copies poses a financial hardship for the citizen, the usual fees for this service can be waived by an Identification Section Supervisor.
- f. Persons in interest or their representatives may purchase copies of all adult criminal justice records maintained by the Identification Section EXCEPT FBI records, NCIC and CCIC computer system information, and any portions of Denver warrants regarded as investigative notes such as affiant identification or the list of witnesses.
 - 1. Copies of criminal justice records purchased by persons in interest will be complete and not subjected to the restrictions of OMS 109.04(4)d.
 - 2. The primary subject of a criminal justice record must appear in the Identification Section to have a wanted person inquiry request honored. There is no charge for this service. However, if such an inquiry reveals the existence of any active warrant, the person will be placed under arrest and processed as any other wanted person.
 - 3. Juvenile records can be released only to the person named in the record or to the verified parent of that juvenile.
- g. Denver residents may have their fingerprints rolled on an Applicant Fingerprint Card on Wednesdays and Thursdays from 1000 hours to 2000 hours at the Police Administration Building. They must bring their own fingerprint cards.
- h. Representatives of the news media may obtain the criminal justice record information available to private citizens. See OMS 109.04(4)d.
- i. Photographs, fingerprint cards or other available data regarding Denver Police Officers are personnel records. They are not viewed as criminal justice records available for purchase by any person or release to the news media.
 - 1. Photographs of Denver Officers will be maintained in the Human Resource Management Bureau and shall not be released to the news media (electronic or print). Only the Director of the Human Resource Management Bureau, Deputy Chief of Police or the Chief of Police has the authority to release a photograph of any officer, and ONLY after a release has been signed by the respective officer and witnessed by a member of the Human Resource Management Bureau. Release forms are kept in the Human Resource Management Bureau.
 - 2. Whenever a Denver Police officer is arrested within the City and County of Denver, the Criminal History record and all related documents become criminal justice records subject to the same reviews and restrictions as those of any other person who has been arrested.
 - 3. The home addresses and telephone numbers of Denver police officers may not be released, either by another officer or by a CSA employee of the Denver Police Department, except to other officers. The officer making the request for information must be able to identify himself to the satisfaction of the person receiving the phone request. In case of an emergency, the person receiving the request for information may relay a message to the officer in question.
- j. Personnel not assigned to the Identification Section may conduct file searches ONLY with the permission of the Commanding Officer of the Identification and Records Bureau.

- (5) Members of the Classified Service or CSA employees of the Department who knowingly violate the provisions of the Colorado Revised Statutes or the policies of the Denver Police Department regarding authorized release of criminal justice records are subject to legal penalty assessments and/or Department disciplinary action.
- (6) Any request, not originating from a criminal justice agency, for computerized information not normally provided by the Identification or Records Sections must be processed by the Civil Liability Bureau. Personnel in the Civil Liability Bureau are responsible for assuring that these requests are billed properly.

109.05 Records Management

- (1) The Denver Police Department shall maintain records as directed by the Chief of Police.
- (2) The Chief of Police or his designee shall determine which documentation shall be permanent record.
- (3) Permanent retention is in effect for all records pertaining to:
 - a. Deaths - homicide, suicide, accidents, known or unknown dead, with the exception of traffic fatalities.
 - b. Treason
 - c. Kidnapping
 - d. Criminal Histories
 - e. Fingerprint cards
 - f. Personnel files and attendance records
 - g. Pending records - All documentation pertaining to any pending legal case.
 - h. All other records which have been designated as permanent.
- (4) Records pertaining to felony sexual assaults shall be retained from 1991 forward. From 1991 forward anything solved "in whole or in part" by DNA evidence does not have a limiting statute of limitations.]
- (5) Records pertaining to fatal traffic accidents shall be retained for seven years.
- (6) The following records shall be retained for three years:
 - a. All records pertaining to those felonies not included in the permanent or ten (10) year retention schedules.
 - b. Log sheets
 - c. Non-fatal accident reports
 - d. Information from field contact cards
- (7) All records pertaining to misdemeanors shall be retained for a period of eighteen (18) months.
- (8) All records pertaining to petty offenses shall be retained for a period of six (6) months.
- (9) Booking slips and all attached documents shall be retained for a period of one (1) year unless notification is made to the Identification Section of a pending legal case.

109.06 Fraud Unit Evidence and Documentation

- (1). The Denver Police Department Fraud Unit retains original documentation and evidence related to forgery crimes for a period of five years. This is because forgery crimes can lack a statute of limitations, the possibility of Grand Jury investigations and the ongoing and international nature of fraud and identity theft. The original documents and case file are maintained in the Fraud Unit. Copies are forwarded as necessary to the Identification and Records Bureau or the District Attorney's Office.

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- (2). Fingerprint processing and handwriting analysis is often conducted on fraud document evidence including checks. Forms of identification and financial devices are often viewed under magnification, ultraviolet light or special lenses to verify security features. Documents are also frequently forwarded via fax and e-mail to banks, merchants and account holders. For these reasons original documents are maintained in the secure Fraud Evidence Room for immediate availability to detectives. Fraud documentation evidence in small quantities will not be booked into the Property Management Bureau. Evidence held for the Fraud Unit should be placed in the Fraud Unit's lockbox located in the Property Management Bureau's viewing room.

109.07 Homicide Case Investigation Files

(Revised/Added 11-2011)

- (1) The Denver Police Department's Homicide Unit retains original documents related to the investigation of homicide within the Homicide Unit records storage room for a period of five years. There is no statute of limitations for filing charges in a criminal homicide case. Investigators forward copies of necessary documents to the Records Management Bureau for inclusion in the Records Management System (RMS) or the District Attorney's Office when filing criminal charges.
- a. Document copies include, but are not limited to, paper versions of the list of witnesses, General Offense Report(s), medical records and/or autopsy report, CAD reports, victim criminal histories, written witness statements, written officer statements, video interview sheets, suspect criminal histories, crime scene reports, photograph logs, crime scene drawings, property invoice sheets, laboratory reports, and search warrants. In addition to the listed documentary records the all other records will be retained such as, 911 tapes, photos, videos of suspect and witness interviews, etc.
 - b. Documents created in the Records Management System (RMS) are original. RMS documents include, but are not limited to General Offense Reports (GO), statements, information letters, or any other report or document created in the RMS as part of an investigation.
- (2) Upon reaching the five-year storage limit or once adjudication of a homicide case occurs, a command officer shall forward the entire case file to the Records Management Bureau for permanent storage after review and approval by supervisory and command officers. Colorado law (C.R.S. §18-1-1101 thru 18-1-1109) requires that law enforcement agencies maintain all DNA evidence associated with class I felony and indeterminate sentence cases for the life of the convicted defendant or statute life of the case. To ensure proper case documentation exists in the event a re-evaluation of the case becomes necessary subsequent to the discovery of DNA evidence, the Denver Police Department shall maintain the entire original case file.
- a. Original documents include, but are not limited to paper versions of the list of witnesses, offense report(s), autopsy report, CAD reports, victim criminal histories, written witness statements, written officer statements, video interview sheets, suspect criminal histories, crime scene reports, photograph logs, crime scene drawings, property invoice sheets, laboratory reports, and search warrants. In addition to the listed documentary records the all other records will be retained such as, 911 tapes, photos, videos of suspect and witness interviews, etc.

110.00 - PUBLIC RELATIONS

110.01 General Procedures

- (1) Public support is the heart of any public endeavor. It is highly important that citizens and police officers understand and appreciate the problems and responsibilities of each other. Public relation(s) therefore becomes a factor in all police efforts.
- (2) Good public relation(s) involves doing. The police themselves are the most important factor in the determination of police attitudes. The day-to-day contacts between police officer and the public is the focal point of public relations, for it is in these contacts that public support develops. The public's acceptance or rejection of a police officer's efforts is largely a reflection of the character and behavior of the officer.
- (3) Under normal conditions, citizens are not particularly critical of police service, but when the public is aroused by even mere inference or innuendo of laxities in police services, their resentment, even if erroneous in conception, will be most difficult to overcome and particularly so if no effort has been made by the police to clear up or dispel the implications.
- (4) Public support cannot be created by publicity stunts, self-serving oratory, or other shortcuts. Public support is the end product of faithful, honest, and effective service to all the people in the community. Public support must originate with the people.

110.02 Ethics, Gifts, and Gratuities

- (1) The Code of Ethics (Title II, Chapter 2, Article IV) section of the Revised Municipal Code for the City and County of Denver, relating to ethical behavior is of particular interest to all police personnel. All personnel of this Department shall be required to read, comprehend and abide by all sections of this Ordinance. With regard to the Code of Ethics, as established by the Revised Municipal Code, lack of knowledge or understanding shall not be a reasonable defense against any infraction resulting in discipline. This Ordinance can be located on-line via denvergov.org under City and County of Denver – Bills, Laws and Municipal Code.
- (2) The policy of the Denver Police Department regarding the acceptance of gifts and gratuities by officers is: Officers will not solicit or accept gifts or gratuities that relate to the performance of their duties, except as permitted by the Denver Ethics Code. The policy is further clarified as: No officer will accept any gift or gratuity intended to influence the performance of their duty. No officer will accept any gift or gratuity for performing a function not permitted by the Operations Manual or Rules and Regulations of this Department. Nor will any officer accept any gift or gratuity for failing to perform a function as required by the Operations Manual or Rules and Regulations of this Department. With written approval of the chief of Police, some recognized and sanctioned forms of soliciting funds or goods for a benevolent or charitable cause by members will be permitted. This policy Statement does not supersede RR-203, Accepting Gifts from Persons of Bad Character, RR-204, Soliciting, Accepting Gifts, Gratuities, or Title II, Chapter 2, Article IV of the Revised Municipal Code of the City and County of Denver relating to the Code of Ethics.
- (3) It is the policy of the Denver Police Department that police officers and CSA employees working for the Police Department will not be permitted to attend city auctions, unless they are acting in their official capacities.

The Board of Ethics has determined that police officers, city employees, their family members, or anyone not related but who is purchasing an item at a city auction for the direct benefit of a police officer or city employee are doing so in violation of the Code of Ethics and the Charter of the City and County of Denver.

110.03 Criticism of Other Agencies

- (1) In matters which police officers believe to be justified complaints and/or criticism of other city agencies, the complaints and/or criticism shall be channeled through the chain of command.
- (2) The voicing of complaints and/or criticism against other city agencies, without following the chain of command, can only lead to poor inter-agency relationships.

- (3) In the performance of all phases of police work, a positive impartial attitude shall be displayed.
- (4) Personnel of the department shall not criticize in public the District Attorney's Office or the Courts concerning the circumstances surrounding the release of defendants or the disposition of cases.

110.04 Media Relations

- (1) Department members may respond immediately to news media inquiries. If not personally knowledgeable about the subject, officers should refer the person seeking the information to a superior, the chief investigator, or the Public Information Office.
- (2) All Members of the media will be treated equally and fairly and will receive accurate accounts of the Department's activities. Each incident will be considered in light of its particular circumstances. Some of the factors to be considered before releasing information are:
 - a. Will the release affect the Department's ability to investigate a case or jeopardize an investigation?
 - b. Will the release unnecessarily embarrass an innocent person?
 - c. Will the release promote pretrial prejudice to the extent that a fair trial might be difficult or impossible?
- (3) Any member of the Department may ask for proper credentials prior to releasing any information.
 - a. Proper credentials include those from the Colorado Press Association, Secret Service Press Pass, Associated Press, United Press International, or similar type media identification from local or national radio and television organizations
 - b. When telephone requests for information relating to a case under investigation are made and the identification of the caller is in doubt, the caller should be referred to the Public Information Office
 - c. In those instances when the identity of the caller is unknown and a delay in the release would be impractical, identity should be determined by calling the news agency before any release is made
- (4) Media Relations at the Scene of an Incident
 - a. It will be up to the police officer or fireman in charge to permit or deny permission to cross police or fire lines to obtain news information
 - b. Crime Scenes should be secured as soon as possible. All evidence should be processed before allowing members of the news media access. No member of the news media shall be allowed in an area if there is a possibility of evidence being damaged, destroyed, or altered
 - c. At the scene of hostage situations, barricaded suspects, or other major crimes, members of the news media shall not be allowed access to any area that would disrupt police operations, or would jeopardize any department personnel or citizens other than the member of the news media. In these situations:
 - 1. An attempt will be made to provide the media with a specific location as near to the scene as practical. This area will be determined by the situation commander
 - 2. Video and radio depictions of tactical police operations that could be received by a suspect will be prohibited.
 - d. The news media will be granted reasonable access to areas at non crime scenes. Common sense will determine the amount of access in those situations where life and property are jeopardized. When practical, consideration shall be given to the technical aspects required by the media for broadcasts.
 - e. There shall be no attempt to censor or prevent the media from recording the aspects of a non-crime scene. The responsibility for the broadcast rests with the media. If a member of the media is denied access to a certain location he/she will be provided an explanation of the reason for doing so.

- f. Authorized agents of the media shall be permitted access on private property under the above guidelines upon consent of the owner or agent of the property, or without such consent, where agents are willing to assume responsibility for such acts, so long as access does not hinder police operations.

(5) Photographs, Films, Videotapes

- a. The news media shall not be allowed to photograph persons in custody within areas of department buildings considered "off limits" to the public at large. Officers may not prevent photographs of persons in custody while in public places, such as seated in police cars and being escorted through the lobby.
- b. Authorized agents of the media shall be permitted to take pictures of all incidents on public property so long as the taking of such photographs does not delay police investigation or the efforts of the police to minister to injured persons.
- c. Photographs of Evidence
 - 1. Unless it otherwise interferes with a police investigation, the news media will be permitted to photograph certain evidence, such as large amounts of contraband narcotics or recovered property, when on display within the confines of the police building. When the investigation is to this point, officers are encouraged to notify the news media, since in all probability this will be their only opportunity to photograph the material prior to the time it is sealed as evidence.
 - 2. No person shall be included in any photograph, film, or videotape of the display.
 - 3. Whenever the material has been sealed as evidence, and placed in the appropriate container, it will not be reopened for any publicity purpose, but will be conveyed directly to the Property Section. The first consideration of an officer in this procedure is to comply with the rules for the proper preservation of evidence.
- d. All members of the media shall be prohibited from photographing federal prisoners under any circumstances after the prisoner has been booked and is confined in the Detention Facility or the Police Building. (Department of Justice - Rules and Regulations.)
 - 1. If a federal officer is present during proceedings prior to the prisoner being booked, it shall be his/her decision whether to allow photographs
 - 2. If a federal officer is not present during proceedings prior to a federal prisoner being booked at the Detention Facility, photographs will be allowed in public areas during transport
- e. Departmental pictures of persons or occurrences shall be used by the news media only with permission of the Chief of Police, the command officer responsible for a specific investigation, or the Public Information Office.
- f. Members of the media shall not be permitted to pose a person in custody, nor shall any member of this department deliberately pose a prisoner for such purposes.

(6) Suspect Interviews

- a. Authorized agents of the news media shall be permitted to interview suspects in the detention facility upon the written approval of the commanding officer in charge of the investigation, the prosecuting attorney's office, the appropriate defense attorney, and the commander of the facility.
- b. No member of the news media shall be allowed to interview a federal prisoner under any circumstances while such prisoner is in our custody. (Department of Justice - Rules and Regulations.)

(7) Exceptions

- a. Nothing in the foregoing procedures shall be interpreted as making the police department jointly responsible with any authorized member of the media in a civil or criminal action resulting from any incident or publication.
- b. Denver 911 will normally only release verifications of addresses of radio dispatches, not details of incidents or a resume of activity. Status of any investigation or occurrence can only be released by the bureau or district handling the case or the Public Information Office.

- (8) Special Report/News Release
 - a. When information released is of such volume or importance to constitute a news release, or when officers are involved in a situation that may become a major newsworthy event, officers may fill out a Special Report/News Release, DPD 279 and forward it to the Public Information Office as soon as possible for distribution.
- (9) Situations Involving Other Agencies or Jurisdictions
 - a. Whenever any agency other than the Denver Police Department initiates an activity within the City and County of Denver, that agency is responsible for releasing information about its activity to the news media.
 - b. Whenever the Denver Police Department initiates an activity in another jurisdiction, the Department is responsible for releasing information to the media after advising the other jurisdiction about the activity.
 - c. In death investigations, the release of information to the media regarding the victim will be made subject to the notification of relatives and with the approval of the coroner.
 - d. When the Office of Emergency Preparedness is the coordinator of any activity, the Public Information Office will assist as needed or directed.
- (10) Media requests to ride in police vehicles shall be referred to the Deputy Chief of the Division to which the request is being made, or to the Chief of Police through the Public Information Office. The Deputy Chief involved or the Chief of Police may authorize such requests when it is determined to be of mutual interest to the Department and to the public, and will not be detrimental to normal police operations.

110.05 Guidelines for Release of Information to the News Media

- (1) BEFORE AN ARREST, the release of information will be coordinated with the officer or investigator in charge of the incident.
 - a. Officers MAY release:
 - 1. Location, time, and description of an offense, property damage, and any injuries sustained by the victim.
 - 2. Identity of the victim with the exception of victims of sex crimes or homicides. See OMS 110.04(9)c.
 - 3. The existence of suspects, information about unidentified suspects, such as physical and vehicle descriptions, identification of suspects for whom a warrant has been issued, criminal background in compliance with OMS 109.04.
 - 4. Method of receiving complaint, length of investigation, and officer in charge.
 - b. Officers WILL NOT release:
 - 1. Identity of suspects interviewed but not arrested.
 - 2. Identity of witnesses who could be subjected to danger or embarrassment, particularly sex crime victims, including any information that might identify them.
 - 3. Information regarding physical evidence, valuables not stolen, amounts taken in robberies or burglaries, and information known only to the guilty person.
 - 4. Any information regarding juvenile suspects, such as names, addresses, records, mug shots.
 - 5. Misleading or false information and conjectures regarding possible suspects or fugitives.
 - 6. Identity of homicide victims. See OMS 110.04(9)c.
 - 7. Any information regarding police shootings without the approval of the Commander of the Major Crimes Division.

8. Any Grand Jury information to either the public or media without prior approval from the Chief of Police.
- (2) AFTER AN ARREST, the release of information will be coordinated with the officer or investigator in charge of the incident.
 - a. Officers MAY release:
 1. Adult suspect's identity, including residence, occupation, marital status, time and place of arrest, the exact charge, and facts or circumstances relating to the arrest, such as possession of a weapon or contraband recovered.
 2. Duration of the investigation and agency responsible for the arrest including identity of the officer. Undercover and other operations where the officer may be jeopardized may require withholding the identity of the officer.
 3. Pretrial release, detention arrangements including place of detention and amount of bond, and scheduled dates for the stages in the judicial process.
 - b. Officers WILL NOT release:
 1. Names of juvenile suspects.
 2. Name of the suspect's employer without the approval of the Commander of the investigating unit. Comments about the credibility of testimony, guilt or innocence of the suspect, or the character or reputation of the suspect including prior criminal record with the exception contained in OMS 109.04.
 4. Information about the existence or content of a confession or statement made by the suspect, and the results of any examinations or tests conducted.
 5. The refusal of the suspect to make a statement or submit to any tests or examinations.
 6. Information concerning the suspect's direction or assistance in the recovery of contraband or evidence.
 7. Any information received from an informant without the approval of a supervisor in the Investigative Division.
- (3) Once a case has been presented to the District Attorney or City Attorney, no police officer should comment on that case without first referring the matter to, or obtaining permission from the prosecuting agency. Officers will not comment on the charges they think the prosecuting agency will file or whom the charges will be filed against.
- (4) Nothing in this procedure excludes officers from replying to charges of misconduct that are publicly made against them, or from participating in any legislative, administrative, or investigative hearing. These procedures do not supersede any more restrictive rules governing the release of information.
- (5) Officers are responsible for the information they release and they should exercise their best judgment in cooperating with the media in order to ensure that their information is factual and accurate.

110.06 Public Information Office

- (1) When called to assist at a major crime scene or incident controlled by the Denver Police Department or during the investigation of a major crime, the Public Information Office will assist in governing the activities of the news media. Information released by the Office will be cleared through the chief investigator or the officer in charge of the scene.
- (2) Members of the Public Information Office are subject to call twenty-four (24) hours a day and can be available when needed. In their absence, the ranking officer or investigator in charge may handle media relations as outlined in OMS 110.04 and 110.05.
- (3) When the volume of inquiries makes it impractical to deal with the media, the Public Information Office should be requested to assist. After the Public Information Office has been briefed by the ranking officer or investigator in charge, the Office is responsible for media relations and/or the preparation of a Special Report/News Release. When called to assist, a member of the office will:
 - a. Respond to the scene or Headquarters to take charge of disseminating information to the media

- b. Make notifications or request the assistance of other officers in making notifications to the media
 - c. Assume responsibility for initiating other needed notifications
- (4) At the scene of a major crime, hostage situation, disasters, barricaded suspects, or any other situation generating mass media coverage, the situation commander, at his/her discretion may request the assistance of the Public Information Office through Denver 911. If requested, a member of the Office will:
 - a. Respond to the scene and establish a media area
 - b. Disseminate information from the field commander
 - c. Coordinate actions of the media
- (5) The Public Information Office will act as a mediator in matters of disagreement between the media and the Department.
- (6) The Public Information Office will be available to all members of the Department regarding any information or rumors generated either internally or from outside sources.
- (7) All members of the Department are encouraged to seek the assistance of the Public Information Office in any police matter relating to the media.
- (8) The Public Information Office may contact any member of the Department for information regarding a newsworthy event.
- (9) Acting under the authority of the Chief of Police, members of the Public Information Office may waive the normally required search and copy fee for reports, records, and mug shots for members of the media if it is in the best interest of the public and the Department.

110.07 Speaking Engagements, Attending Conventions, Publications

- (1) All officers must obtain permission from the Chief of Police before filling speaking engagements, attending any convention, or preparing any publication as an official representative of the Denver Police Department.
- (2) Officers who want to fill a speaking engagement shall submit their request in duplicate on Speaking Engagement Request, DPD 500. All information required on the form must be included.
 - a. This form will be forwarded through the chain of command for approval by the Chief of Police. Upon approval, one copy will be returned to the officer making the request. The second copy will be retained in the officer's station file.
- (3) Articles prepared for publication in which the member identifies themselves as a DPD member must be submitted in their entirety to the Chief of Police for approval prior to publication and be in the best interest of the Department. Materials obtained or created during a member's official duties remain the property of the Denver Police Department. Members must articulate the intended purpose and obtain prior approval from the Chief of Police before using any Department materials such as photos, videos, audio recordings, reports, badge images, and photos of department personnel, equipment, or buildings for training or publication purposes. Articles include, but are not limited to, items published in books, magazines, newspapers, and other periodicals as well as items posted in electronic sharing sites such as blogs, Facebook, MySpace, Twitter, or other similar online journals or news sites. Command officers must approve articles for community newsletters. Employee organization newsletter articles are exempt from this approval requirement but should remain professional.
- (4) Requests to attend conventions, training sessions, etc. shall include the date, time, location of the meeting, and a brief statement regarding the benefit to the Department and a statement of the cost. A report covering subject matter shall be submitted upon return to the Department. See OMS 116.04(2).

111.00 - UNIFORMS AND EQUIPMENT

111.01 Requirements - Uniforms and Equipment

- (1) Items purchased for use as part of the uniform or standard equipment shall meet the specifications as set forth by the department in all respects. Unauthorized equipment, alterations or addendum to the official uniform or standard equipment will not be allowed.
- (2) Police Recruit Uniforms
Newly appointed members in training as recruits at the academy shall wear the uniform and possess equipment as directed by the Chief of Police.
- (3) Police Officer Uniforms
 - a. When on duty in uniform, officers shall be guided by the directions in this manual as to the manner and conditions of wearing approved articles of uniforms.
 - b. The uniform shall not be worn while an officer is under suspension.
- (4) Issuance of Badges
All ranks and appointed positions will be issued the sunburst style badge in the below described color. Each badge will designate the appointed position or rank and the officer's badge number. This badge is the only style of badge authorized by the department for issue and to be worn on the uniform.
 - a. **Patrol Officer** - Officers will be issued the starburst-style badge, silver with gold tone center seal.
 1. The officer's badge number will be stamped on the lower portion of the badge.
 2. This is the only style of badge authorized by the department for Patrol Officers.
 3. Upon completion of their probationary period, officers may purchase an additional breast badge or flat badge.
 - b. **Badge for ten or more consecutive years** – Any technician, corporal, or detective requesting to be issued the described badge denoting 10 or more consecutive years of service and who are presently serving in that position must have a letter signed by their commander confirming their years of service and their eligibility for the badge. The signed letter must be given to Uniform Supply to place the order for the 10 year badge.
 - c. **Technician** – Officers appointed to the rank of technician will be issued the starburst-style badge, silver with gold tone center seal.
 1. The word "Technician" will be stamped on the badge above the officer's badge number. The badge may be worn on the uniform.
 2. The officer may purchase an additional breast badge or flat badge.
 - d. **Technician with ten or more consecutive years** – Officers appointed to the rank of technician who are presently serving in a technician position and have served at the rank of technician for ten or more consecutive years, will be issued the starburst style badge, gold with silver tone center seal.
 1. The word "Technician" will be stamped on the badge above the officer's badge number. The badge may be worn on the uniform.
 2. The officer may purchase an additional breast badge or flat badge.
 - e. **Corporal** – Officers appointed to the rank of corporal will be issued the starburst-style badge, silver with gold tone center seal.
 1. The word "Corporal" will be stamped on the badge above the officer's badge number. The badge may be worn on the uniform.
 2. The officer may purchase an additional breast badge or flat badge.
 - f. **Corporal with ten or more consecutive years** – Officers appointed to the rank of corporal who are presently serving in a corporal position and have served at the rank of corporal for ten or more consecutive years, will be issued the starburst style badge, gold with silver tone center seal.
 1. The word "Corporal" will be stamped on the badge above the officer's badge number. The badge may be worn on the uniform.
 2. The officer may purchase an additional breast badge or flat badge.

- g. **Detective** – Officers appointed to the rank of detective will be issued the starburst-style badge, silver with gold tone center seal.
 - 1. The word “Detective” will be stamped on the badge above the officer’s badge number. The badge may be worn on the uniform.
 - 2. The officer may purchase an additional breast badge or flat badge.
 - h. **Detective with ten or more consecutive years** – Officers appointed to the rank of detective, who are presently serving in a detective position, and have served at the rank of detective for ten or more consecutive years, will be issued the starburst style badge, gold with silver tone center seal.
 - 1. The word “Detective” will be stamped on the badge above the officer’s badge number. The badge may be worn on the uniform.
 - 2. The officer may purchase an additional breast badge or flat badge.
 - i. **Sergeant** – Sergeants will be issued the sunburst style badge, silver with gold tone center seal.
 - 1. The sergeant’s badge number will be stamped on the lower portion of the badge beneath the rank.
 - 2. This is the only style of badge authorized by the department for sergeants.
 - 3. The sergeant may purchase an additional breast badge or flat badge.
 - j. **Lieutenant** – Lieutenants will be issued the sunburst style badge, gold with gold tone center seal.
 - 1. The lieutenant’s badge number will be stamped on the lower portion of the badge beneath the rank.
 - 2. This is the only style of badge authorized by the department for lieutenants.
 - 3. The lieutenant may purchase an additional breast badge or flat badge.
 - k. **Captain** – Captains will be issued the sunburst style badge. The badge number will be stamped on the badge beneath the rank.
 - 1. This is the only style of badge authorized by the department for captains.
 - 2. The captain may purchase an additional breast badge or flat badge.
 - l. **Commander** – Commanders will be issued the sunburst style badge. The badge number will be stamped on the badge beneath the rank.
 - 1. This is the only style of badge authorized by the department for commanders.
 - 2. The commander may purchase an additional breast badge or flat badge.
 - m. **Deputy Chief** – Deputy Chiefs will be issued the sunburst style badge. The badge number will be stamped on the badge beneath the rank.
 - 1. This is the only style of badge authorized by the department for deputy chiefs.
 - 2. The deputy chief may purchase an additional breast badge or flat badge.
 - n. **Chief of Police** – The Chief of Police will be issued the sunburst style badge. The badge number will be stamped on the badge beneath the rank.
 - 1. This is the only style of badge authorized by the department for chief of police.
 - 2. The chief of police may purchase an additional breast badge or flat badge.
- (5) Upon promotion to a different appointed position or rank the appropriate sunburst style badge, without a badge number, will be issued for the ceremony, and to wear pending the delivery of the officer’s badge with the serial number. This “promotion” badge must be returned to Uniform Supply when the officer’s badge, with the stamped badge number, is ready for issue.

111.02 Basic Uniform - Police Officer

- (1) Basic Cap - when in uniform, all officers will have the issued cap immediately available.
 - a. The wearing of the prescribed cap for all officers is optional, with the exception of the following occasions when the appropriate cap will be required:
 - 1. Roll calls, formations and inspections
 - 2. Parades and special events
 - 3. Traffic control
 - 4. Crowd control

5. Funerals and other formal functions
 6. When directed by supervisors or command officers during tactical situations or other situations when the wearing of the cap would be advantageous to mission accomplishment, identification of police personnel or to enhance the police image or presence
 7. When making a traffic stop utilizing an unmarked police vehicle
 8. When assigned to motorcycle duty or the Mounted Patrol Unit
 - b. The wearing of the prescribed cap would not be mandatory in exigent or extraordinary situations where it would not be reasonable or practical.
 - c. Manner of wear:
 1. The cap shall be worn in a military manner, square and level on the head
 2. The cap shall be complete, with the appropriate cap emblem attached at center front, side buttons, band, and filigree
 3. Transparent plastic cap covers may be used during inclement weather
 4. The cap shall be in good condition, not soiled, bill not frayed or buckled, crown not crushed or out of shape
 5. The cap shall not give a crushed, sloppy, or droopy appearance
 - d. Failure to wear the prescribed cap as directed will result in these minimum penalty assessments:
 1. First Violation - Oral reprimand with entry made in station documentation
 2. Second Violation within a twelve-month (12) period - Written reprimand
 3. Third Violation within a twelve-month (12) period - Suspension of one (1) day without pay
 4. Subsequent violations will be dealt with more severely
- (2) Cap - Prescribed
- a. The Chief, Deputy Chief, Commanders, and Captains of Police shall wear the regulation blue uniform cap with the gold cloth band and gold filigree bill.
 - b. Lieutenants shall wear the regulation blue uniform cap with gold cloth band and black leather bill.
 - c. Sergeants shall wear the regulation blue uniform cap with silver cloth band and black leather bill.
 - d. Technicians shall wear the regulation blue cap with silver metal band and black bill.
 - e. Patrol officers shall wear the regulation blue cane-side cap with black band and bill.
- (3) Headwear - Special
- a. Members assigned to motorcycle duty shall wear the Department issued safety helmet. When riding a motorcycle, this helmet shall be worn with the chin-strap fastened.
 - b. Officers working in a construction area are required to wear the Department issued safety helmet in lieu of a hard hat.
 - c. A warm hat, made of fur-like fabric, may be worn in place of the regulation uniform cap during extremely inclement weather by all officers. A Department issued cloth badge will be sewn to the center front of this hat. Guidelines defining style, quality and vendor are available in the Uniform Supply Unit. Officers may purchase the approved hat at their own expense.
 - d. Other special headwear may be worn in the performance of a particular assignment when approved by the Chief of Police. Specialized headwear will be kept clean, in good repair, and shall have the official insignia attached to the center front.
 - e. Officers may wear a plain black knit watch cap type hat during inclement weather.
 1. This hat is not authorized as the prescribed cap for the occasions listed OMS 111.02(1)(a)(1-8).
 - f. Failure to wear the appropriate specialized headgear as directed will subject the violator to those penalty assessments outlined in OMS 111.02(1)(d).

- (4) Shirt - Basic. The uniform shirt shall be worn as follows, with the name plate and appropriate insignia of rank.
- Deputy chiefs wearing the regulation blue shirt will wear the Departmental belt and will comply with the seasonal regulations in OMS 111.02(6). When wearing the blouse, the white shirt must be worn with the uniform tie. In the winter, the white shirt will be long sleeved. In the summer, the sleeve length for the white shirt is optional.
 - Captains and lieutenants have the option of wearing either a white shirt and tie with their blouse, or the regulation blue uniform shirt.
 - All other police personnel will wear the regulation blue shirt.
 - All shirt buttons shall be buttoned except that the neck button may be opened when the short sleeved, summer shirt is worn. Long-sleeved shirts shall not be rolled up or turned under.
 - Sleeves on short-sleeved shirts shall not be shorter than seven (7) inches from the shoulder seams.
- (5) Necktie
- When wearing the long-sleeved uniform shirt, officers have the option of wearing a black, four-in-hand type necktie or a turtleneck beneath the uniform shirt.
 - Neckties worn with the long-sleeved uniform shirt shall be made of a plain black, dull, or matte tucked into the shirt between the second and third buttons.
- (6) Seasonal Uniform Items
- Uniform officers have the option of wearing either the long-sleeved uniform shirt with a tie, the long-sleeved uniform shirt with an open collar and a turtleneck shirt beneath, or the short-sleeved uniform shirt without a tie.
 - The long sleeve winter shirt may be worn with a dark blue or black turtleneck shirt in place of a necktie. The turtleneck shirt collars shall be form-fitting to the neck and will be purchased at the officer's expense. Officers have the option of having the collar of the turtleneck embroidered with the letters "DPD". The letters shall be two (2) ☐ inch by two (2) inch block letters and shall be located on the left side of the collar, starting one inch to the left of the front center point of the collar. The lettering shall be white in color for patrol officers and sergeants. The lettering may be gold in color for command officers.
 - If the short sleeve summer shirt is worn with a tee shirt showing, the tee shirt may be black or dark blue only. A white v-neck tee shirt may be worn if it does not show.
 - The Chief of Police may designate the specific "uniform of the day" for the entire department or for special occasions, such as funerals, promotions, etc.
- (7) Jacket
- Wearing a lightweight or heavy Department issued jacket will be optional at the discretion of the officer.
 - The uniform jacket(s) worn by officers will have the Department badge or cloth emblem and appropriate insignia of rank attached.
- (8) Trousers and Breeches - Basic - the basic trousers shall be worn by all members, except those assigned to motorcycle duty who shall wear the approved breeches. See OMS 111.09.
- (9) Trouser Belt - the belt worn with trousers shall be black in color.
- (10) Socks - Solid color socks, either dark blue or black without design, shall be worn. Exceptions from wearing the required dark socks shall be granted only when the officer secures a physician's written statement attesting to the need.
- (11) Footwear - Uniform shoes or boots will be black in color and constructed of smooth all-leather uppers or permanent shine man-made uppers with a choice of outsoles.
- Shoes may be plain toe style or ventilated coach/referee type with black lacing. Wingtip, loafer, or slip-on shoes will not be approved.
 - Boots may be the pull-on or laced up type with a plain toe style. Hiking boots, engineer boots, and construction boots will not be acceptable. Specialty type boots may be worn when approved by commanders.
 - Ornamental dressing, design stitching or otherwise decorated shoes or boots will not be acceptable.

- d. All footwear should be sturdy, serviceable quality and shall be kept well polished and in good repair at all times.
 - e. During inclement weather, galoshes, overshoes, or snow boots may be worn. These will be black or dark blue in color and may be the slip-over or pull-on type with zipper, Velcro, button, lacing, or buckle-type fasteners. Boots with multi-colors, stripes, designs, or any printing or logos are not acceptable.
- (12) Reflective Apparel - a high-visibility reflective vest or reflective clothing shall be worn by all officers assigned specific traffic control assignments, such as at sporting events. Reflective apparel should also be worn by officers directing traffic at accident scenes, fire scenes, hazardous material spills, malfunctioning traffic signals, and the like whenever possible.
- a. The approved vest and reflective clothing will be issued through the Uniform Supply Unit.
 - b. Officers should not wear high-visibility clothing at any scene where the reflective nature of the clothing will jeopardize personal safety.

111.03 Other Required Items

In addition to the basic uniform, the following are required items:

- (1) Department Badge - only the ISSUED Departmental metal badge and the cloth badge are authorized for wear with the uniform in the following manner:
 - a. The metal badge shall be worn on the uniform shirt attached to the badge holder or on the outermost garment so as to be clearly visible at all times.
 - b. The authorized cloth badge may be sewn on the outer garments, but not on the uniform shirt. The cloth badge may also be sewn on the work uniform, such as coveralls, at the direction of the deputy chief.
- (2) Department Cap Badge
- (3) Current Department Identification Card
- (4) Valid Colorado Driver's License. The driver's license shall state the officer's current residential address or Post Office Box in his/her municipality or county of residence. See OMS 116.08(4).
- (5) Standard Uniform Belt - The standard leather uniform belt shall be issued by the department or authorized by the chief of police or his/her designee. Officers also have the option of wearing web gear; a lightweight gun belt. The belts shall be worn so that it fits at the waist with no appreciable deviation from the horizontal plane. It will be affixed to the waist belt with belt keepers or secured with snap loops affixed to the trousers.
 - a. The standard leather uniform belt shall be constructed of leather (black) and shall be free of ornamentation, accessories, carving or tooling.
 - b. The web gear belt and required equipment are not department issued items. Officers opting to wear web gear may purchase the equipment on their own, or use uniform points to obtain the belt, handcuff case and mace case through Uniform Supply. All other required items, to include an approved holster and magazine holders, will be purchased by the officer in matching web gear.
 - c. The Standard Leather and Web Gear Uniform Belt shall contain the following items:
 - 1. Authorized holster and firearm (OMS 111.03(6)e.)
 - 2. Handcuffs and handcuff case
 - 3. Baton ring and/or holder
 - 4. Department issued chemical agent (OC spray) and holder
 - 5. Ammunition magazine(s), ammunition and holder
 - 6. Radio and radio case, worn optionally
 - d. Officers assigned to an office environment, while in uniform, shall wear the standard uniform belt, or web gear with all the required equipment.
 - e. Officers in specialized assignments may wear specific uniforms or additional equipment as authorized by their commander.

- f. Officers holding the rank of lieutenant and above are exempt from wearing the standard uniform belt and the required equipment with the following provisions:
 - 1. The belt must be constructed of leather (black) and free of ornamentation, accessories, carving or tooling. The belt must have a width of at least 1 ¼ inches. If there is a visible metal closure, the closure must be constructed of brass.
 - 2. An authorized holster and firearm are required at all times.
 - 3. All officers attending special events (i.e. ceremonies, parades, funerals etc) and/or who work off-duty/Secondary Employment while in uniform are not authorized to modify the Standard Uniform Belt requirement.
- g. All items worn shall be departmental issue or meet department specifications.
- h. All items shall be worn in the manner intended without alterations.
- i. Exceptions to carrying non-lethal aerosol chemical weapons may be granted to uniformed officers under the following conditions:
 - 1. A letter must be obtained from a medical specialist stating the reason(s) why an officer cannot carry or use the issued aerosol chemical weapons.
 - 2. The medical specialist's decision will be based upon the product information provided by the officer. Such information shall include the brand name, dispenser size, type and amounts of active ingredients used in the formulation, and the product's expiration date.
 - 3. Only medical letters from specialists such as an allergist, dermatologist, neurologist, ophthalmologist, otorhinolaryngologist, pulmonologist, or toxicologist will be acceptable.
 - 4. Each officer shall have the medical letter approved and documented by the Occupational Health and Safety Clinic at Denver Health Medical Center before sending it through the chain of command.
 - 5. The officer's medical letter will be filed with the Inspections and Rehabilitation Coordinator and a copy sent to the officer.
 - 6. A new medical release will be required each time the Department issues a different type or brand of non-lethal aerosol chemical weaponry.
 - 7. The officer must return the issued aerosol chemical weapon to the Uniform Supply Unit with a copy of the medical letter. Uniform Supply personnel shall remove the chemical weapon from the Officer's Uniform Clothing Record, DPD 2B.

- (6) Holster - Holsters that meet the Department's specifications and which are approved by the Firearms Section shall be worn.
 - a. Holsters will be purchased at the officer's expense.
 - b. The Chief Firearms Officer will select suitable holsters that meet departmental guidelines and update the list for Authorized Holsters, DPD 30H.
 - c. Non-listed holsters may be approved by the Chief Firearms Officer after physical inspection to ensure compliance with established criteria.
 - d. Holsters shall properly fit the firearm carried, and the holster safety strap or retention device shall be in use at all times. Holsters shall be worn only in the manner prescribed by this Department.
 - e. Web gear duty holsters must meet the same requirements for uniform carry as specified in OMS 111.03 (6).
 - 1. Drop down holsters are not approved; the holster must be firmly attached on the belt in a "high or standard" position.
 - 2. Strong side directional draw, retained by the trouser belt
 - 3. Sufficient tension to retain the firearm if held upside down and shaken
 - 4. Must be of sufficient design to allow one handed holstering
 - f. When selecting a web gear holster for uniform carry, only approved department holsters are authorized. The approved holster list or the Firearms Section should be consulted.
 - 1. Nylon or plastic molded style holsters that meet the department's approved carry criteria, along with kydex, polymer or similar plastic holsters, such as the Safariland ALS and SLS series may be worn with web gear.

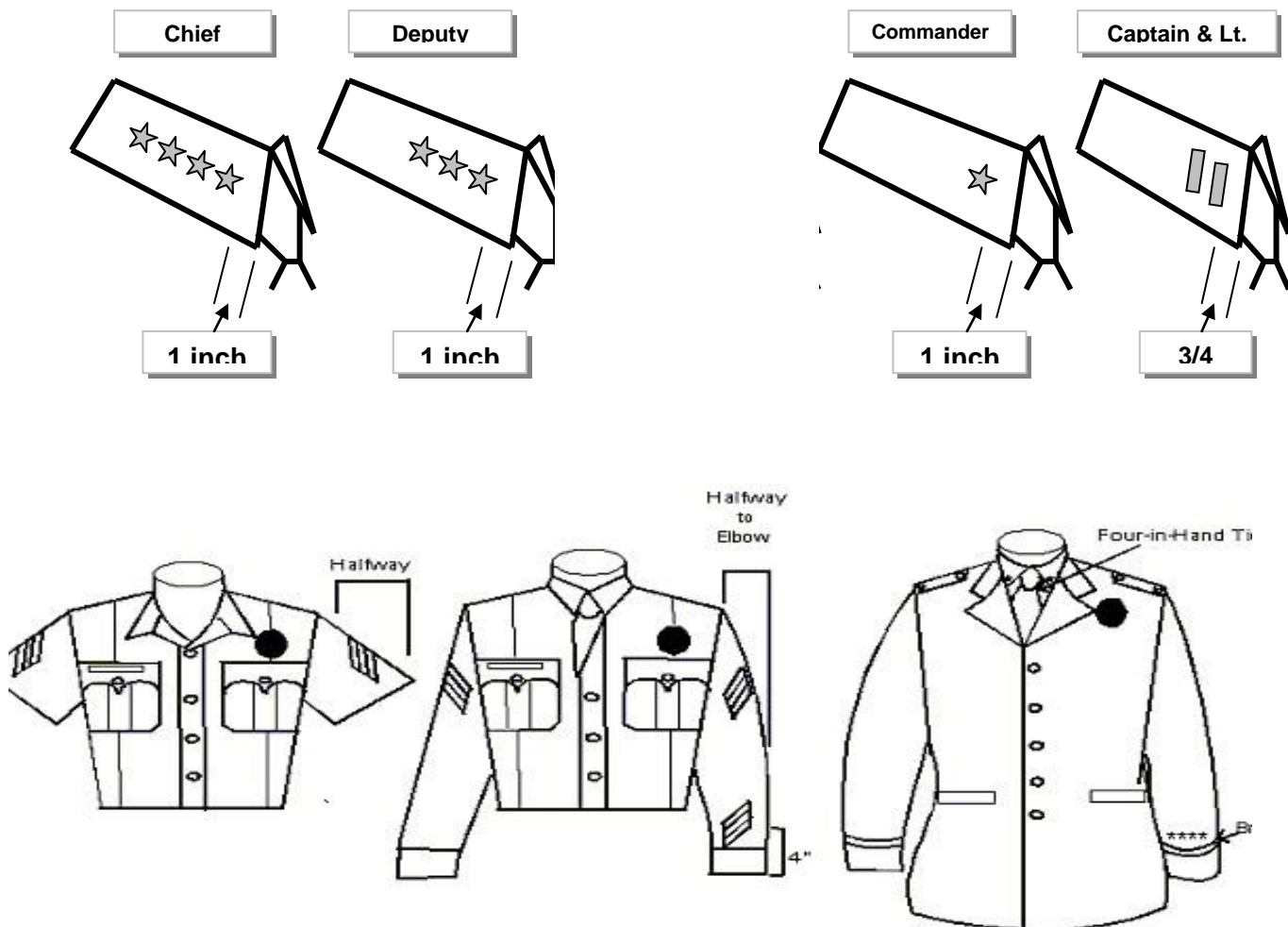
2. Products similar to the Bianchi/Safriland "Accumold" and "Nylok" are not allowed.
 3. Other brands of approved kydex and polymer holsters are authorized as long as the finish is smooth or plain black; the "tactical finish" is not approved.
 4. Approved leather duty holsters may be worn with the web gear belt.
 - g. All other holster types and variations are not authorized unless approved by the Chief Firearms Officer. No variations, modifications, alterations, or basket weaves shall be allowed.
- (7) Firearm - approved firearms shall be carried in the approved holster, fully loaded. Fully loaded is defined as a round in the chamber and a full magazine of approved ammunition. See OMS 105.06.
- a. The firearm shall be clean, properly maintained, and in serviceable condition at all times.
 - b. Firearm grips - only dark colored grips are allowed.
 1. Grips that interfere with prescribed speed loading procedures are not allowed.
 2. Grips must allow the gun to be used easily with either hand.
- (8) Ammunition case -
- a. An ammunition case for firearms that meet Department specifications shall be worn. Ammunition cases may be viewed at the Pistol Range.
 - b. The ammunition case for the Urban Rifle shall be of two distinct types:
 1. A Department issued black plain leather case is the only authorized pouch for continual wear on the uniform duty belt. Wearing an Urban Rifle ammunition case on the duty belt is optional. Cases made of web material (non plain black leather appearance) shall not be worn on the duty belt except under emergency conditions, and then only for the duration of a given critical incident.
 2. A Department issued nylon/web material case is authorized for carrying an Urban Rifle magazine within an officer's equipment bag, police vehicle, etc. It is not authorized for uniform wear on the duty belt except under emergency conditions as described in OMS 111.03 (8)b.1. (above).
 3. Urban Rifle ammunition cases may be seen at the Pistol Range.
- (9) Ammunition - a minimum of ten (10) rounds of ammunition shall be carried in the ammunition case. Ammunition shall be of an approved type, issued by the Range Officer, clean, and serviceable.
- (10) Handcuff case - the handcuff case issued by the Department or one that meets Department specifications shall be worn.
- (11) Handcuffs and other retention devices:
- a. Only handcuffs issued by the Department or handcuffs that meet Department specifications shall be carried.
 1. Handcuffs shall be carried in the handcuff case by uniform officers
 2. A handcuff key shall also be carried.
 - b. Officers are prohibited from carrying or using rope or cord hobbles.
 - c. Officers may use a RIPP leg restraint device to secure prisoners who are not adequately controlled by handcuffing. RIPP leg restraint devices shall only be used in situations where handcuffed prisoners continue to be combative and still pose a threat to themselves, officers, or could cause significant damage to property, if not properly restrained.
 1. The carrying of the RIPP leg restraints on the officer's person will be optional. On-duty uniformed officers will have the leg restraints immediately available.
 2. Only departmentally issued RIPP leg restraint devices will be carried.
 3. Only officers who have completed the department's RIPP leg restraint training are permitted to carry the device.
 4. When officer safety will not be jeopardized, an ambulance will be called to the scene to medically clear any suspect restrained with a RIPP leg restraint before the suspect is transported to jail or another location. If officer safety considerations require that a suspect be immediately removed from a scene, an ambulance will be requested to meet the transporting officers at a safe but nearby location
 5. A Use of Force Report must be completed when the RIPP leg restraint is utilized to restrain actively resisting suspects, in accordance with OMS 105.01.

- d. Disposable handcuffs known as "flex cuffs" are used where multiple arrest or immobilization situations exist.
 - 1. These items are purchased by the Department and issued as needed by a supervisor.
 - 2. These restraints are self-locking and must be cut or snipped apart after being applied.
- (12) Whistle - a whistle is part of the basic uniform. It shall be carried on a key strap on the Department belt or concealed within the uniform. Officers may wear a whistle attached to a silver-colored chain on the right shoulder and chest area, concealed in right shirt pocket.
- (13) The baton may be carried or shall be immediately available at all times unless specifically excepted by other orders. All batons issued by the department are authorized.
 - a. The department currently issues a Rapid Containment Baton (RCB) manufactured by Peacekeepers Products International in either twenty-six (26) or twenty-nine (29) inches when fully expanded.
 - 1. The Monadnock model MX and the Auto Lock are two other approved expandable batons. The Monadnock MX baton is authorized in an expanded length of eighteen (18) to twenty-four (24) inches. The Auto Lock baton is authorized in an expanded length of twenty-one (21) to twenty-six (26) inches.
 - 2. The baton must be black or stainless steel.
 - 3. Successful completion of training is required for the use of the expandable baton.
 - b. Officers are authorized to carry a straight baton with the following provisions.
 - 1. The baton must be twenty-nine (29) inches in length.
 - 2. The baton must be composed of a suitable hardwood with no ornamentation except for the officer's name/badge number and a rubber grommet used for carry/retention.
 - 3. Successful completion of training is required for the use of the straight baton.
- (14) Key strap - a key strap with key ring may be worn on the Department belt.
- (15) Belt slide loops or keeper straps for the Department belt:
 - a. Belt slide loops may be worn to secure the Department belt to the trouser belt
 - b. A maximum of four (4) keepers with two (2) brass snaps on each keeper shall be worn
- (16) Watch - a pocket or wristwatch capable of indicating the accurate time of day shall be carried.
- (17) Ball Point pen - a ball point pen containing black ink shall be carried.
- (18) Pocket knife - a pocket knife shall be carried and will be of a non-mechanical nature. The maximum blade length permitted is three and one half (3 1/2) inches.
 - a. Knives shall only be carried in trouser or jacket pockets or in a leather snap pouch made specifically for the knife and worn on the Department belt. The knife must be completely concealed when not in use.
 - b. No spring, snap, gravity, razors, or hunting knives allowed.
- (19) Flashlight - a flashlight shall be carried. Approved for use are:
 - a. Regular flashlights not exceeding three (3) cells in length with the lens or head not exceeding three (3) inches in diameter.

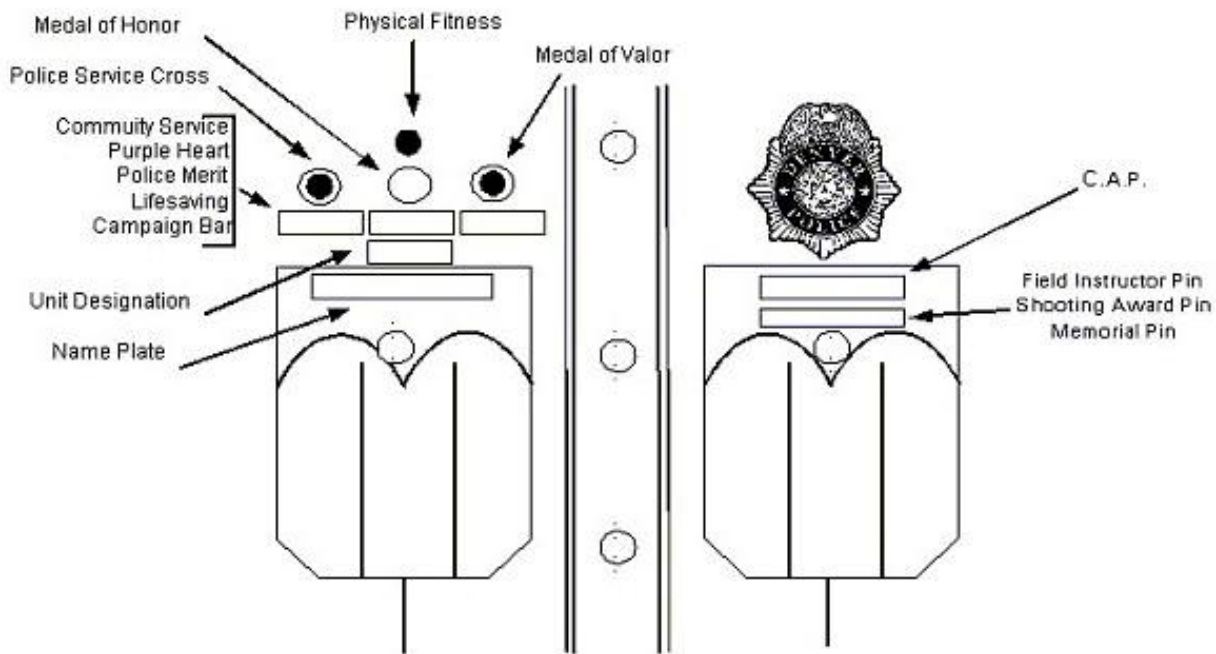
111.04 Nameplate, Medals and Pins - Wearing of

- (1) Insignia of rank - all members, corporal or above, shall wear the appropriate insignia of rank in conjunction with their uniform as specified in diagrams, and shall meet departmental specifications. Rank insignia for command officers may be cloth or metal when worn on field jackets, but shall be metal on the uniform shirt and command blouse.
- (2) Wearing of Insignia:
 - a. Corporal
 - Two (2) chevrons, blue with white outline on black background, on each sleeve of the uniform shirt and jacket, centered between the bend of the elbow and shoulder seam (see diagram).
 - b. Sergeant
 - Three (3) chevrons, blue with white outline on black background, on each sleeve of the uniform shirt and jacket, centered between the bend of the elbow and shoulder seam (see diagram).

- c. **Lieutenant**
A single bar shall be affixed to the center of each side of the collar of the uniform shirt worn by lieutenants. The front edge of the bar shall be one (1) inch from, and parallel with, the front edge of the collar. On the dress coat and the field jacket, a single bar shall be placed with the outer edge, 5/8 inch above the sleeve seam. The bar shall be centered over the shoulder seam and shall be parallel to the sleeve seam. Bars will be 3/4 inch in length for shirts, and larger for jackets.
- d. **Captain**
Two (2) bars shall be affixed to each side of the collar of the uniform shirt worn by captains. The front edge of the insignia shall be one (1) inch from, and parallel with, the front edge of the collar. On the dress coat and the field jacket, the bars shall be worn on each shoulder with the outer edge 5/8 inch above the sleeve seam. The bars shall be centered over the shoulder seam and shall be parallel to the sleeve seam. Bars will be 3/4 inch in length for shirts, and larger for jackets.
- e. **Commander**
A star shall be affixed to each side of the collar of the uniform shirt worn by commanders. One point of each star shall point upwards in such a manner that a line bisecting this point will be parallel to the front edge of the collar. The center of the star shall be one (1) inch from the front edge of the collar and centered on the collar. On the dress coat and on the field jacket, a star shall be worn on each shoulder so that one point of the star points to the rear. The center of the star shall be one (1) inch above the sleeve seam and centered directly over the shoulder seam.
- f. **Deputy Chief**
The three-star insignia worn by deputy chiefs shall be affixed in the same relative position as prescribed for commanders.
- g. **Chief of Police**
The four-star insignia worn by the chief of police shall be affixed in the same relative position as prescribed for commanders.



- (3) Dress Uniform Insignia:
- Chief of Police: Four (4) gold stars to be worn on the shirt collar or spaced evenly on the epaulet of the blouse, overcoat, or raincoat.
 - Deputy Chief of Police: Three (3) gold stars to be worn on the shirt collar or spaced evenly on the blouse epaulet.
 - Commander: One (1) gold star to be worn on the shirt collar or on the blouse epaulet.
 - Captain: Two (2) gold bars to be worn on the shirt collar or spaced evenly on the blouse epaulet.
 - Lieutenant: One (1) gold bar to be worn on the shirt collar or on the blouse epaulet.
 - Sergeant: Three (3) chevrons, blue on dark background, on each sleeve as shown in diagram.
- (4) Nameplate - the nameplate shall be worn on the jacket or shirt affixed on the right shirt pocket flap centered one-half (1/2) inch below the top of pocket on the flap.
- Nameplates shall be departmental issue and shall be of a color matching the badge. Command Officers gold in color, Sergeants and below silver in color.
 - This plate shall contain a last name and at least one (1) initial.
 - Field Instructors shall wear the regulation Field Instructor identification plate on the jacket or shirt pocket centered one-half (1/2) inch below the top of the left pocket. Field Training Officers with ten (10) or more years of continuous service in the position of a Field Training Officer may wear a gold colored pin available in Uniform Supply.



- (5) Authorized Medals or Pins – All awards received prior to January 1, 2014, are authorized to be worn on the uniform shirt. As of January 1, 2014, only those awards outlined in OMS 503.03, are authorized to wear on the uniform shirt or jacket. The following authorized medals or pins worn on the uniform shirt or jacket shall be affixed in the following manner:
- On the left side of the shirt or jacket, authorized medals or pins, such as the Citizens Appreciate Police (C.A.P.) pin, shall be centered one-half inch below the top of the pocket.
 - On the right side of the shirt or jacket, the Unit Designation Pin may be worn by all ranks. The pin shall be centered one-half inch above the pocket. Officers may purchase the approved pin at their own expense. Information about the approved style, color and purchase is available in the Uniform Supply Section.

- c. Recipients of the Medal of Honor, the Police Service Cross, or the Medal of Valor prior to January 1, 2014, are authorized to wear official replicas of the award one-half inch over the right shirt or jacket pocket. If two or more of these awards are worn, they will be placed side by side with one-half inch spacing between the pins. Recipients of the Medal of Honor, the Medal of Valor, or Officer of the Year, after January 1, 2014, are authorized to wear the shirt pin.
- d. Recipients of the Police Merit, Community Service, Lifesaving, Purple Heart, or Campaign Bar award prior to January 1, 2014, are authorized to wear the bar award one-half inch over the right shirt or jacket pocket. Recipients of more than one type of bar award will wear them connected side by side. Recipients of the Purple Heart, Life Saving, or Excellence in Crime Prevention awards after January 1, 2014, are authorized to wear the shirt pin.
- e. If medal replicas, bar awards, and the unit designation pin are worn in any combination, they will be separated by one-half inch with medal replicas uppermost and the unit designation pin lowermost.
- f. Campaign Bar
 - 1. Authorized by the Chief of Police to commemorate a particularly significant event in the Department's history when the following conditions are met:
 - a. The entire Department was under full mobilization for four or more consecutive days.
 - b. The mobilization was planned or was in response to a disaster.
 - 2. Only department personnel or Public Safety Cadets employed at the time of the event will be entitled to wear that event's campaign bar.
 - a. The Chief of Police may authorize a pin commemorating a specific special event or incident to be worn by CSA employees who were assigned to the Denver Police Department during the event. Such a pin shall be worn with appropriate civilian attire.
 - 3. The campaign bar will not be authorized for a response to a civil disturbance incident.
 - 4. The design of a campaign bar will be approved by the Chief of Police
 - 5. The wearing of a campaign bar is optional
 - 6. The Chief of Police will authorize a specific campaign bar by Departmental Directive
- g. Memorial Pin
 - 1. The memorial pin, worn in honor of officers killed in the line of duty, shall be worn on the uniform shirt, in the center of the left pocket line, one-fourth (1/4) inch above the stitching, or just below the Field Training Officer Pin.

111.05 Optional Items - Uniform and Equipment

- (1) The articles of uniform clothing and equipment specified in this section have been approved as optional items which may be possessed and/or worn by members as provided herein. The optional articles shall meet departmental specifications.
- (2) Uniform (Revised 11-2011)
 - a. Service stars and bars
 - 1. Command officers (the rank of Lieutenant and above) shall wear a five-pointed (5) gold star, issued by Uniform Supply, for each completed five (5) years of sworn service with the Denver Police Department. Service stars denoting service with another law enforcement agency will not be worn. The stars shall be worn one-half (1/2) inch above the braid on the left sleeve of the uniform blouse or four (4) inches above the end of the left sleeve on other uniforms.
 - 2. All other uniformed officers shall wear a blue cloth bar, issued by Uniform Supply, for each completed five years of sworn service with the Denver Police Department. Service bars denoting service with another law enforcement agency will not be worn. The service bar will be of like material and shade as the Sergeant chevron and worn as indicated on the uniform diagram. Note: Both of the above applies to long sleeve garments only.
 - b. Shoulder patches. When authorized, they shall be worn on the left sleeve one-half (1/2) inch below the shoulder seam.

- c. Command dress uniform. This uniform may be worn as an optional dress by members in a division, with the permission of the respective deputy chief.
 - 1. The uniform will include the regulation dress jacket, white shirt with four-in-hand tie (not tucked into shirt).
 - 2. The regulation topcoat may be worn with this uniform.
- d. Sweaters
 - 1. Only sweaters meeting the following departmental standards may be worn with the regulation uniform:
 - a. Sweaters will be v-neck, one hundred percent (100%) wool, navy blue, reinforced with patches on the shoulders, elbows and forearms, with epaulets.
 - b. These sweaters will be purchased at the officer's expense.
 - 2. Sweaters will be worn only with the regulation long-sleeved shirt and tie or long-sleeved shirt and turtleneck.
 - 3. The sweater will be worn with the cloth badge of the appropriate rank, name plate and appropriate insignia of rank attached. No other medals, pins, awards or service stripes will be worn on the sweater.
- e. Protective Vests
 - 1. Personal armor vests, purchased at the officer's expense, will be concealed under a uniform shirt. Tactical and ballistic types of vests, other than the approved armor shirts, will be worn over an outer garment only when approved by the officer's commander.
 - 2. Armor Shirts, approved by the Department, may be purchased at the officer's expense through Uniform Supply and worn with the regulation uniform. The badge and name plate will be worn on the outside of the Armor Shirt. If worn with the long sleeved shirt, the regulation tie must be tucked into the regular uniform shirt.

(3) Equipment

- a. Automotive Door Lock Opening Devices
 - 1. Officers are authorized to carry and use specialty car lock openers.
 - a. The carrying of a car-lock opening device is optional and must be purchased by the individual officer.
 - b. Only professionally designed and manufactured tools such as "slim-jims" will be carried.
 - 2. The decision to use any car-door opening device will be at the discretion of the individual officer.
 - a. In a non-emergency situation, the citizen should be advised to contact a bonded locksmith or towing service.
 - b. Officers should check the driver's license and vehicle registration of the requesting party to verify that the person is entitled access to the vehicle.
 - c. It is the officer's responsibility to advise the citizen that the use of a slim-jim or other automotive lockout tool may damage his vehicle.
 - d. Slim-jims should not be used on any vehicle equipped with electric door locks.
 - 3. When unintentional damage to a vehicle results from the use of an automotive door-lock opening device, a supervisor will be called to the scene to assess the damage. The officer involved will write a letter to the Civil Liability Bureau, through the chain of command. See OMS 3.07

111.06 Supplemental Clothing

- (1) Optional uniform items listed below may be worn by members subject to authorization by their immediate commander. (The intent of this section is to provide commanders with reasonable latitude toward achieving greater uniformity in the appearance of members assigned to a particular shift, special detail, or duty assignment.)
- (2) The police badge or replica shall be displayed when wearing any of the following coats or coveralls:
 - a. Coverall Parka - this specified parka is intended for optional wear by members assigned to motorcycle duty in extreme cold weather.

- b. Leather Windbreaker Jacket - the specified leather jacket has been adopted for members assigned to motorcycle duty.
- c. Rain Wear - during inclement weather members may wear the regulation raincoat.
- d. Coveralls - coveralls may be worn when authorized by the respective deputy chief.
 - 1. Instructions for wearing coveralls: Coveralls may be worn in lieu of the basic uniform.
 - 2. During the periods when the summer shirt is authorized for wear, short sleeve coveralls may be worn.
 - 3. Coveralls shall be worn with a name plate and cloth badge, unless the commanding officer feels it is in the best interests of the department not to wear such items.
- (3) Scarf - a scarf may be worn with any of the approved jackets and coats.
 - a. The ends of the scarf shall be kept under the garment.
 - b. Scarves acquired for wear shall be black or navy blue in color.
- (4) Gloves - gloves may be worn for comfort and protection at the discretion of members. (Sap gloves or sap type gloves are prohibited.
 - a. They shall be black in color.
 - b. White cloth formal gloves made available to the department may be worn by members assigned to:
 - 1. Funeral Honor Guard
 - 2. Special dress functions when approved by the commander supervising the detail
- (5) Vests worn for warmth will be navy blue in color. They will be worn inside the approved outer garment and must not extend below it.

111.07 Personal Appearance - Uniform Maintenance

- (1) When the uniform is worn, care shall be taken that it fits well, is neat, clean, in good repair, properly pressed, and that all leather and brass are polished.
 - a. Repaired uniforms - members shall use sound discretion in wearing uniform clothing which has been repaired
 - b. Uniform items with visible areas of repair, which detract from the member's appearance, shall not be worn
 - c. Uniforms that obviously need repair/replacement shall not be worn
 - d. Supervisory and command officers or IAB personnel shall determine the propriety of wearing garments in question
- (2) Personal Grooming Responsibility. The professional bearing expected of department members requires that each member assume the responsibility for adopting high standards of personal grooming and cleanliness.
 - a. Standards of Personal Grooming. The following standards for grooming are deemed reasonable and shall be minimum guidelines to be complied with by each member whenever wearing the uniform. Neatness is mandatory.
 - 1. Hair grooming shall conform to the following standards:
 - a. The bulk and length of the hair shall not interfere with the normal wearing of the standard police cap or helmet; nor will the hair curl or flare out from beneath the lower edge of the cap or helmet
 - b. Sides and back of hair may be either tapered or block cut, but in no instance will the hair overhang the uniform shirt collar. Hair may cover the upper half of the ear, provided that no more than one half is covered when the cap is worn.
- (3) Wearing of Jewelry
 - a. Wearing of jewelry, pins, insignia, buttons or other miscellaneous items not specifically issued or authorized by this department shall not be worn or attached to any portion of the uniform so they are or may become visible to the public.
 - b. While in uniform officers will not wear facial jewelry or other visible body piercing jewelry, including tongue studs.
 - c. While in uniform, officers will not wear or display visible neck jewelry, bracelets, brooches, or any other item not prescribed to be worn with or as part of the uniform.

- d. Medical identification bracelets and conservatively styled rings will be considered acceptable jewelry.
- e. Unadorned post earrings for pierced ears will be considered acceptable for female officers only. Female officers will not wear more than one earring per ear while in uniform. No hoop earrings of any size are permitted.

(4) Miscellaneous Restrictions

- a. Fingernails for both male and female officers shall not extend more than one-eighth of an inch beyond the fingertips. Officers will not wear air brushed or other types of designs on their fingernails while in uniform.

111.08 Requirements (Revised 03/2013)

(1) Female Officers

- a. Female officers shall wear the basic uniform when working patrol or traffic car assignments. Footwear shall be the same as in OMS 111.02(11).
- b. Hair Styles - In Uniform
 - 1. The hair will be neat and trim and shall not be worn longer than the bottom of the uniform shirt collar. If hair is longer, it must be secured or clipped up, and worn at the back of the head to conform with the above length requirement.
 - 2. The hair shall not cover any portion of the eyebrow, and shall at all times be worn behind the outside corner of each eye in a manner not to interfere with vision.
 - 3. The hair may be worn in a cornrow, ponytail, or French braid style as long as any hair below the bottom of the collar is secured at the nape of the neck and the tail of the braid or ponytail does not extend past the yoke line on the back of the uniform shirt. For officer safety, no braid or ponytail should be secured high on the back of the head and allowed to swing loose.
 - 4. The hairstyle shall not in any way interfere with the proper wearing of any authorized headgear or gas mask.
- c. Lipstick, facial make-up, or eye make-up, including false eyelashes if worn, must be conservative.
- d. Other requirements for female officers shall be the same, where applicable, in OMS 111.01 through 111.09.

(2) Male Officers

- a. Male officers shall be clean-shaven; however, neatly trimmed sideburns and mustaches are permissible.
- b. Sideburns will not extend downward below the bottom of the ear lobe, with the flare no wider than one and one-fourth inches. They will be neatly trimmed, shall not be excessively bushy, and shall not cover any part of the ear.
- c. The face shall be clean-shaven, with the exception that the wearing of neatly trimmed mustaches will be permitted. Mustaches may be moderately curled upwards at the ends, provided that no part of the mustache is below a horizontal line from the bottom of the lower lip, and may extend no more than one inch past the corner of the mouth. The mustache will not cover any part of the upper lip.
- d. No beards or goatees are permitted for uniformed personnel.
- e. Plain clothes members may wear beards or goatees only with permission of their deputy chief.
- f. Members so authorized in paragraph e. - shall not be permitted to work off duty in uniform. All plain-clothes officers working off duty must conform to the foregoing standards.

- (3) Restriction - Civilian Clothing. When wearing civilian headgear or when bareheaded and wearing partial uniform, officers shall wear a civilian coat as their outermost garment. The uniform cap will not be worn in conjunction with any civilian attire. See RR-802.

111.09 Procuring, Replacement, and Return of Uniforms and Equipment

(1) Procuring Uniforms

- a. Uniforms may be procured from the Uniform Supply Unit.

- b. Alterations (hemming, shirt tapering, etc.) will be the responsibility of the individual officer.
 - c. The following measurement requirements must be adhered to in compliance with OMS 111.02(8): Trousers; bottom of leg opening to be 17 1/4 inches when waist size 28 inches; pant leg opening to increase one-fourth of an inch for every two inches of waist size increase.
 - d. A list of tailors and their prices will be posted at the Uniform Supply Unit.
 - e. The officer's personal expense for tailoring, ties, cleaning, etc. is taken into budget consideration when establishing the annual equipment allowance.
- (2) Loss, Damage, and/or Replacement of Department Issued Property
- a. In the event of loss or damage to department property in the course of official police action, an officer shall direct a letter to the commander of the Administrative Management Division through his or her chain of command, requesting that this property be replaced by the department.
 - 1. Each request will be forwarded to the Financial Services Division with a recommendation by the commander of the Administrative Management Division, approving or denying that officer's request for replacement. The approved request will be forwarded to Uniform Supply.
 - 2. Temporary replacements of department issued equipment may be made only until it has been determined who will bear the cost. If replacement at department expense is not approved, the officer shall submit payment to the Financial Services Division for the loaned equipment.
 - b. If department issued property is damaged in the course of an arrest, the arrested party may be charged with destruction of public property: section 38-61 of the Revised Municipal Code. The back of the arrest slip should indicate the damage and approximate replacement cost, for the information of the court in penalty assessment.
 - c. Any department property lost or damaged as a result of negligence by the officer will be replaced at the officer's expense.
- (3) Loss, Damage and/or Replacement of Personal Property
- a. In the event of loss or damage to personal property in the course of an official police action, the officer will exhaust all legal means of replacing such personal property. The arrested party will be charged with destruction of private property: Section 38-71 of the Revised Municipal Code. The back of the arrest slip should indicate the damage and approximate replacement cost for the information of the court in penalty assessment.
 - b. Only under extreme circumstances, when every other legal recourse has been exhausted and when the officer can show that the cost of replacement will be in excess of the department equipment allowance for the current year, will an officer be reimbursed for loss or damage that has occurred to personal property.
 - c. The final decision for replacement of personal property will be made by the Financial Services Division in consultation with the Chief or his designee.
- (4) Upon retirement or separation, all items of issue will be turned into the Uniform Supply Unit for clearance prior to final pay. See OMS 504.03 (9).

111.10 Non-Uniform Attire

- (1) Plainclothes: All on-duty officers who are authorized to wear attire other than a regulation uniform shall wear either business attire, utility attire, or undercover attire as approved and authorized by their commander.
- (2) On-duty officers in plainclothes shall be armed at all times and carry the following items:
 - a. Badge
 - b. Police I.D.
 - c. Authorized holster and sidearm
 - d. A minimum of twelve (12) rounds of ammunition
 - e. Handcuffs
 - f. Handcuff key
 - g. Police radio – It is not a requirement that the radio be carried at all times by plainclothes personnel, however the officer's issued radio shall be available at all times.

- h. Personnel actively involved in an authorized undercover operation may be exempt from these provisions with the authorization of the incident commander. See OMS 104.55(6).
- (3) Plainclothes personnel shall have available a jacket or other attire which clearly identifies them as a police officer. The garment is meant to be worn as the outermost garment on the upper part of the body.
 - a. Attire that would meet the requirements of this section includes:
 - 1. Raid type jackets with DPD cloth badge with the lettering "POLICE" on both front and back.
 - 2. Protective Vests with DPD cloth badge with the lettering "POLICE" on both front and back.
 - b. During rapidly evolving emergency or tactical situations, plainclothes officers should don the identifying attire as soon as they can do so safely.
 - c. Plainclothes personnel involved in pre-planned tactical operations shall wear the identifying garment for the duration of the operation.
 - d. Plainclothes personnel involved in stakeouts or undercover operations may cover the identifying attire with other garments if those garments can be easily and immediately discarded in an emergency.
 - e. The identifying garment may be worn at crime scenes or when supervisors or commanders deem it appropriate.
- (4) Safety Considerations
 - a. When arriving at a crime in progress or unfolding tactical emergency plainclothes officers shall advise the dispatcher that they are on scene in plainclothes. They should provide a description of themselves for the benefit of responding uniform personnel.
 - b. Plainclothes officers should immediately identify themselves to responding uniform personnel who may not recognize the plainclothes officer.
 - c. If challenged by uniform personnel, plainclothes officers should follow the officer's directions precisely and only reach for credentials or other identifying items when told to do so.

111.11 ***Reserved***

111.12 **Naloxone Program** (added 04/2015)

(1) Purpose

With the timely administration of an opioid antagonist (naloxone), an opiate overdose may be reversible and the deployment of such has been shown to be a safe and effective step towards reducing opiate overdose deaths. The Denver Police Department's Naloxone Program is to address incidents when an officer comes into contact with an individual experiencing a suspected opiate overdose and the officer has the opportunity to administer an opioid antagonist prior to the individual receiving aid from emergency medical services (EMS). Absent officer safety and/or other tactical considerations, the officer has the ability to create a "window of opportunity" for the individual to recover from an opiate overdose, therefore potentially reducing the number of fatalities that can occur.

(2) Policy

The Denver Police Department authorizes all officers trained in the Naloxone Program to carry and administer department approved naloxone kits to individuals whom are suspected to be suffering from an opiate overdose.

Identified in CRS §13-21-108.7(3), officers have been granted general immunity under state law when acting in good faith to administer an opioid antagonist to another person whom the officer believes is suffering from an opiate-related drug overdose.

(3) Definitions

Clinical Director: The clinical director shall be a medical doctor who is licensed to practice medicine in the City and County of Denver. The clinical director will provide medical oversight to ensure a safe and responsible program. At his/her discretion, he or she may make recommendations regarding the policy, training and administration of the program. The Denver Police Department will maintain an affiliation with the clinical director throughout the duration of the program.

Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (synthetic). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain and induce sleep. Commonly encountered opiates include, but are not limited to: morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet® and Percodan®) and hydrocodone (Vicoden®).

Opiate Overdose: Life threatening depression of the central nervous and respiratory system caused by the intentional abuse or unintentional overuse of an opiate drug, used alone or in conjunction with another substance with which the effects of the opiate drug is intensified. Symptoms of the individual will include: being unresponsive to a sternum rub, unconsciousness, absence of breathing, including shallow breathing coupled with choking sounds/gurgling, lethargy, confusion, bluish lips or nail beds.

Naloxone: Naloxone is a pure opioid antagonist that can counter the effects of an opiate drug overdose, by having a stronger affinity to the opioid receptors in the brain, temporarily blocking the effects of the opiate in the body and allowing the overdose victim to recover from respiratory depression. Naloxone only works if a subject has opiates in their system, and has no effect if opiates are absent. Naloxone is generally effective within 5-10 minutes and will remain in the system for approximately 30 minutes. Each naloxone kit will include one pair of latex gloves, one naloxone atomizer and instructions on the use, disposal and replacement of each kit.

Naloxone Program Coordinator: The Naloxone Program Coordinator shall be the Deputy Chief of Administration's Chief of Staff. The coordinator will track/review all reports of naloxone usage and will be responsible for any subsequent reporting to any city, state or federal agency as required by law. In addition, the coordinator will keep a log of all kits issued, used, expired, damaged, lost or stolen.

Universal Precautions: General infection control precautions meant to reduce the risk of transmission of blood borne pathogens and other bodily fluids from non-intact skin, mucous membranes or by other means from both recognized and unrecognized sources. General precautions include minimizing exposure to blood and/or other bodily fluids by the use of personal protective equipment (i.e. latex gloves) when appropriate and the officer continually recognizing and assessing his/her own personal risk.

(4) Deployment

Naloxone kits will be provided to officers in the following assignments/locations. These officers may also carry the kits while working off-duty assignments:

- Patrol
- School resource officers
- Narcotic investigation units
- All district station holding cell areas
- Information Desk (Police Administration Building)
- Juvenile Intake
- Other areas of the department as determined by the Chief of Police

(5) Training

Officers must successfully complete the Naloxone Program online training prior to carrying and/or administering the drug. After successfully completing the training program, officers will be recertified every two years in conjunction with CPR/AED training.

(6) Naloxone Administration Procedures

The first priority of all officers is scene safety. Mitigating any potential threats prior to providing medical assistance will remain the most important task, because once treatment begins, officers may quickly lose any tactical advantage due to the fact they will be kneeling, crouched and/or have their attention diverted during the evaluation, setup and administration of naloxone. Officers must be mindful that individuals who are revived from an opiate overdose often regain consciousness in an agitated/physically combative state and may exhibit symptoms associated with withdrawal.

When an officer arrives at the scene of a medical emergency, prior to the arrival of EMS, and has made a good faith determination (taking into account the statements of any witnesses and/or family members regarding the individual's drug use) that the individual is suffering from an opiate overdose, the responding officer will:

- a. Request the response of an ambulance - Code 10.
- b. If the person is apparently unconscious, perform a sternum rub to ensure the individual is unresponsive and a potential candidate for naloxone usage.
- c. To be considered a candidate for naloxone administration, the individual should be unconscious/unresponsive and have a lack of (or severely reduced) respirations, possibly attributable to an opiate overdose.
- d. If the individual is suffering from an apparent opiate overdose, the naloxone kit will be administered in the following manner:
 1. Utilize universal precautions by wearing latex gloves and practice body substance isolation.
 2. Administer the naloxone atomizer as instructed in the training program and in conjunction with the instructions provided on the side of the kit.
 3. Advise the dispatcher to notify responding EMS personnel that naloxone was administered.
 4. When respirations are restored, officers (being cautious of the combative actions often induced by the drug while regaining consciousness) should move the victim into the recovery position (on their side) to prevent pulmonary aspiration in the event of vomiting and continue to monitor the individual until paramedics arrive on-scene.
 5. If the individual does not respond within 3-5 minutes and a second dose of naloxone is available, repeat the administration.
 6. Once administered, the individual must be evaluated by responding EMS at the scene.
 7. Normal CPR/AED protocols will apply if at any time a loss of pulse is identified.
 8. The treating officer will immediately inform responding EMS personnel of the individual's condition upon arrival including any physical indicators, witness statements provided and/or any other information that led to the belief that the individual was suffering from an opiate overdose.
 9. Provide the responding paramedics with the used naloxone kit and obtain a replacement kit in exchange, unless the individual cannot be revived. If the individual dies, the kit must be retained as evidence and all normal procedures for reporting for a homicide or known/unknown dead must be followed.
- e. At the conclusion of the medical assist, officers will be responsible for the following:
 1. Reporting the incident by completing the NALOXONE DEPLOYMENT form within the RMS. The report will detail the nature of the incident and the medical care the individual received. All reports will be reviewed by the Naloxone Program Coordinator for statistical analysis.
 2. Identify if any illegal activity has occurred and charge the individual with the appropriate charges.

(7) Storage and Replacement

- a. Storage

1. Officers are responsible for storing the naloxone kit in a safe and secure manner so that the contents of the kit remain intact and readily available. Once assigned a naloxone kit, officers are required to carry or have immediate access to the kit when on-duty in their normal assignment.
 2. Ideally, naloxone should be stored between 68 °F and 77 °F and may become ineffective if subjected to extreme heat or cold; therefore, the kit should be stored in the interior of the department vehicle and only during the officer's duty hours.
- b. Replacement
1. The naloxone provided in the kit will include an expiration date. The Naloxone Program Coordinator is responsible for notifying officers and providing them with a new kit prior to the expiration date.
 2. All damaged, lost or stolen kits will be immediately reported to a supervisor. Damaged kits will be taken to the Naloxone Program Coordinator and exchanged on a one-to-one basis. Lost or stolen kits will be reported on a LOST/STOLEN PROPERTY report within the RMS and forwarded to the Naloxone Program Coordinator for inventory control. The program coordinator will ensure that the officer receives a replacement kit.

112.00 - VEHICULAR EQUIPMENT

112.01 Care of Police Vehicles

- (1) All members of the Denver Police Department shall be held responsible for the proper use and care of all department vehicular equipment. Cases of neglect, alteration or other misuse of equipment shall result in disciplinary action.
- (2) Vehicles Inspection. See OMS 504.01.
 - a. Each officer shall examine his or her assigned vehicle at the start of each tour of duty.
 - b. Visible damage to the vehicle, unless previously documented, shall be brought to the immediate attention of the officer's supervisor. The officer shall submit a report of the damage to his or her supervisor. .
 - c. Officers shall make sure that the auxiliary equipment - radio, fire extinguisher, fuses and any other departmentally issued equipment - is present and in good working order. Fire extinguishers will be equipped with seals to insure their integrity. If a seal on the fire extinguisher is broken or if it is used, the extinguisher must be replaced. The officer using the item will notify his or her supervisor who will provide a replacement.
 - d. Officers shall note the condition of the vehicle and auxiliary equipment on the log sheet. Officers will be held responsible for damaged or missing equipment which they fail to report and which should have been discovered during the vehicle inspection.
 - e. Defective equipment or missing items must be brought to the immediate attention of the officer's supervisor.
- (3) Pushing Other Vehicles
 - a. Only those police vehicles equipped with push bumpers will be used to push other vehicles.
 - b. Police cars shall be used as push vehicles only as a last resort, when it is necessary to remove disabled passenger cars or conventional pick-up trucks from hazardous roadway positions.
 - c. Disabled vehicles shall be pushed no farther than the nearest, safe off-roadway location.
 - d. Officers shall check for proper bumper alignment and take all necessary precautions before pushing other vehicles.
 - e. Vehicles shall not be pushed at speeds exceeding five miles per hour.
 - f. Damage to vehicles. See OMS 3.07
 1. Unintentional damage to the vehicle being pushed will not be handled as a traffic accident. A supervisor shall respond to the scene to assess the damage. The officer involved will write a letter explaining the circumstances of the damage and forward it, through the chain of command, to the Civil Liability Bureau.
 2. Any damage or injury resulting from the pushed vehicle coming into contact with a person or object will be reported on a State of Colorado Investigator's Traffic Accident Report, Form DR-2447. See OMS 203.08 (1)b.
- (4) Officers, when parking their cars, will turn off the ignition, put the gear selector in "park" and set the emergency brake.
 - a. The practice of allowing vehicles to sit and idle for long periods of time is damaging to the motors, as well as wasteful in unnecessary use of gasoline. All cars are equipped with oversized generators which will quickly restore any battery deficiency, caused by radio drain when the motor is shut off.
 - b. In the event a car is to be parked for long periods of time during the winter months, the emergency brake will not be set in order to prevent the brake from freezing.
- (5) When leaving the car, the keys shall be removed from the ignition and the vehicle secured.
- (6) Officers shall not turn in a vehicle at the end of their tour of duty with less than one-half (1/2) of a tank of gas.

112.02 Vehicle Unit Numbers

- (1) All police vehicles are assigned five digit "unit numbers" for police purposes.
- (2) The unit number will be used for gas, oil, repairs, etc., and reported on daily activity log sheets.
- (3) The unit number shall identify vehicles on all police forms; on accident reports where license numbers are required by law, both the license number and the unit number shall be shown.
- (4) Unit numbers are on the front fender and trunk lid of marked units, the back edge of the driver's door on unmarked units, and by the ignition switch on motorcycles.
- (5) This means of vehicle identification will in no way affect the radio "call numbers" on precinct assignments.

112.03 Vehicle Preventive Maintenance Checks

The Police Garage shall publish a monthly list of all units in need of preventive maintenance, oil changes, or other maintenance needed. This list shall be forwarded to all divisions and unit vehicle coordinators. Vehicles on this list shall be delivered to the appropriate facility for maintenance (Monday through Friday). Supervisory officers shall be responsible for ensuring compliance. Vehicles not delivered in a timely manner shall be placed on fuel restrictions.

112.04 Vehicle Washing and Lubrication

- (1) All police vehicles shall be taken to the Police Service Center for washing and lubrication according to the schedule established by the Fleet Maintenance Bureau.
- (2) Whenever a police vehicle is at the Service Center for washing, Service Center personnel will check the vehicle's maintenance schedule and determine if the vehicle is in need of lubrication or oil change. A vehicle requiring such maintenance will remain at the Service Center until the service is performed.
- (3) The exceptions to this rule are: a call from the dispatcher requesting the vehicle for an emergency call, the lack of qualified Service Center personnel to perform the required service, or other extenuating circumstances.

112.05 Vehicles in Need of Repairs

- (1) Officers shall be alert for anything which may need attention or repairs.
- (2) When the condition is critical, the vehicle will be driven or towed to the maintenance section of the Police Garage. If repairs are questionable, the Police Garage supervisor will decide on the action to be taken.
 - a. When a vehicle is driven or towed to the Police Garage, the responsible officer will complete a Car Location Tag, DPD 327, which will be left at the district or bureau to which the vehicle is assigned.
 - b. The following procedure shall be used when turning in defective vehicles when the Police Garage is closed:
 1. Vehicles shall be left on the east side of the Police Garage, 5440 Roslyn St.
 2. The vehicle keys and completed Fleet Maintenance Work Request, DPD 267, shall be placed in the "drop box" located next to the overhead door marked A-2.
 3. The Service Center supervisor shall be notified when a vehicle has been left in any other location and needs a police tow.
 - c. Vehicles turned in for body damage shall be parked at the north end of the Police Garage. A completed DPD 267, Fleet Maintenance Work Request, and the vehicle keys shall be placed in the "drop box".
 - d. During normal business hours, the Service Center tow shall be used. If it is necessary to tow the vehicle and the Service Center is closed, a city contract tow shall be used.

- (3) If the condition is not critical, DPD 267, Fleet Maintenance Work Request, will be completed and forwarded to the Police Garage. The work will be scheduled. The reporting district or bureau will be advised as to when the vehicle is to be turned in.
- (4) Officers shall thoroughly check any vehicle sent to the Police Garage and remove all personal property and weapons.
- (5) Officers shall not call the Police Garage to inquire if their units have been repaired. The district or bureau will be notified when repairs are completed.
- (6) Upon notification from the Police Garage that repairs are completed, the district or bureau shall pick up the vehicle as soon as possible and return any pool unit being used in its place.
- (7) Minor repairs, such as belts, hoses, lights, or fluids will be done at the Service Center.

112.06 Vehicle Damage Responsibility

- (1) Accidents and damage to Vehicles. Officers shall be held accountable for driving violations which result in accidents. Officers shall be held strictly accountable for damage caused by abuse or careless handling, and failure to request necessary repairs shall be the liability and responsibility of the officer using the equipment.
- (2) Responsibility for damage to police fleet units shall rest with the individual officer assigned to the unit at the time of its discovery, subject to the following procedure:
- (3) Officers relieving the preceding shift shall inspect the vehicle before leaving the station, and make a written report to their immediate supervisor of any damage not observed and reported at a previous time.
- (4) Supervisory officers shall inspect, as far as it is practical, each fleet unit assigned under their supervision each day. OMS 504.01
- (5) Officers who check out a car from the car pool at the Police Garage shall inspect such unit and call any obvious damage to the attention of the garage supervisor before leaving. .
- (6) Officers who are found driving any fleet unit which displays any obvious and unreported damage shall be held accountable and responsible for such damage.
- (7) Officers who, in their tour of duty, cause any damage, either to the interior or exterior of a fleet unit, shall report such incident to their supervisor in writing before going off shift.
- (8) A traffic accident report shall be made when fleet units are damaged by an officer in any accident involving another vehicle or any fixed object. OMS 203.08
 - a. If a police vehicle equipped with push bumpers causes unintentional damage to a disabled vehicle being pushed, a traffic accident report shall not be made. A supervisor shall respond to the scene to assess the damage. The officer involved will write a letter explaining the circumstances of the damage and forward it, through the chain of command, to the Civil Liability Bureau.
 - b. A traffic accident report shall be made if any damage or injury results from a collision involving a disabled vehicle being pushed by a police unit equipped with push bumpers and a person or other object. OMS 203.08 (1)b
- (9) Defective equipment not construed as damage or equipment damaged as a result of a non-traffic incident, shall be reported as outlined in reporting procedures.

112.07 Car Pool Procedures

- (1) All vehicles in the police fleet not otherwise assigned to patrol districts or to a specific unit are assigned to the car pool located at the Police Garage.
- (2) All car pool vehicles will be used in compliance with the following guidelines:
 - a. An officer requiring the use of a car pool vehicle will complete the Authorization for Vehicle Tag, DPD 20, and present it to the supervisor at the Police Garage.

- b. The officer will then be given the keys to a car pool vehicle. The Police Garage supervisor will inform the officer where the car is parked or deliver the vehicle to the requesting officer.
- c. Officers will return the vehicle to the car pool immediately upon completion of the trip for which it was needed. Patrol district officers will return the vehicle when a regularly assigned car is available or as directed by their supervisor.
- d. When an officer checks out a pool car, it is his or her responsibility to inspect the vehicle to ensure that the vehicle has at least half a tank of gas. Officers should also look at the interior and exterior for cleanliness and any apparent damage. If the officer should determine that any of these conditions are not met, he will report the deficiency to the Police Garage supervisor immediately. The Police Garage supervisor will then inspect the unit and determine who used it last. The supervisor of the officer who last used the unit will be responsible for seeing that there is not a recurrence of this deficiency.
- e. Officers must inform the car pool where they parked the vehicle when they return it to the Police Garage. The same procedure should be followed if the car pool returns an assigned unit to Headquarters.
- f. Officers returning vehicles shall note on the sign-in slip any repairs that may be needed on the vehicle.
- g. Pool cars are assigned as temporary replacements for specific units requiring repairs. A pool car can be checked out for a seven-day special assignment if cleared through the Director of the Fleet Management Bureau through a supervisor of the Police Garage.
- h. The Police Garage will monitor the use of pool cars, and when necessary shall retrieve delinquent special assignment vehicles. In order to avoid misunderstanding, garage personnel shall make every effort to inform officers of these time limits when the vehicle is checked out.
- i. This policy will insure fairness when assigning pool units, and enhance vehicle accessibility.

112.08 Emergency Operation of Police Vehicles

- (1) Police vehicles shall be operated in a safe and courteous manner to prevent accidents, injuries, property damage, and to promote good public relations.
- (2) Police vehicles while parked, stopped, or in motion, must be under control at all times. Operators shall obey all provisions of the Colorado Vehicle Code, City Traffic Ordinances, and Police Department Regulations.

Officers are expected to exercise a standard of care consistent with C.R.S. §42-4-108, in particular subsection 4: "(4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."
- (3) The proper handling of an emergency by a police officer cannot be accomplished unless the officer arrives safely at the scene. There are two emergency driving situations: **EMERGENCY AND PURSUIT**
EMERGENCY DRIVING, (RED LIGHT AND SIREN TO BE USED).
- (4) Situations when emergency driving, Code 10, is allowed:
 - a. Responding to an officer calling for help.
 - b. Shootings, robberies in progress, explosions, other catastrophes, or major disaster in which lives are endangered.
 - c. Ambulance investigations, when identified by the dispatcher as a Code 10 call or when Code 10 by Denver Health Medical Center requested.
 - d. In certain cases, a supervisor or command officer may give permission for transporting or escorting a patient to a hospital.
 - e. The dispatcher may request emergency response.

- f. Calls of any type where there is *imminent danger to the complainant and/or others*. Imminent danger is defined as danger that is certain, immediate and impending. Justification for Code 10 response must be limited to the facts known by the officer at the time of the call.

Examples:

1. Assault with weapons
 2. Disturbances with weapons
 3. Suicidal party who is in imminent danger to self through any means
 4. Excited delirium calls
 5. When the complainant believes and clearly articulates, that his/her life is in imminent danger
- g. When information is received from the dispatcher that the events have escalated from the original information aired to a situation of imminent danger, the officer may upgrade their response to Code 10.
 - h. Foot chases
 - i. Officer holding a party at gun point
 - j. Other situations where the officer determines the circumstances justify a Code 10 response and is approved by a supervisor.

(5) Limitations for police vehicles on emergency runs:

- a. Officers shall respond to fire calls and non-emergency accidents without the use of red lights and siren.
- b. When an officer is assigned a call of an emergency nature, the officer may request to make a Code 10 response if his present location, distance to the call, traffic conditions, or prior knowledge enable him to better evaluate the call than the dispatcher.
- c. When making an emergency run, an officer shall not pass another authorized emergency vehicle (fire equipment or ambulance) which is making an emergency run and traveling in the same direction.

(6) The driver of a police vehicle, making any Code 10 run using lights and siren, approaching a red traffic signal or stop sign, shall:

- a. Reduce speed and be prepared to apply brake.
- b. Be prepared to yield right-of-way to other moving vehicles.
- c. Enter intersection only when it is safe.
- d. Never depend entirely upon your siren to clear the roadway for you.
- e. Drive defensively.

(7) When making a Code 10 run and approaching any intersection, whether controlled or not, the driver shall:

- a. Remove foot from gas pedal and be prepared to apply brake.
- b. Enter intersection only when it is safe.
- c. Resume speed only when it is safe.

(8) "Pursuit" driving. OMS 204.01

(9) When emergency operation of a police vehicle results in an accident, the Commander of the Traffic Investigation Bureau will process the report and submit it to the Conduct Review Office for review.

112.09 Obedience to Traffic Regulations

Officers operating motor equipment shall conform to all ordinances regulating traffic. Officers shall set an example of good driving. While patrolling or stopping to handle a situation, special care must be exercised not to obstruct the free movement of traffic. Exceptions to the above are covered under OMS 112.08.

112.10 Vehicle Use - Other than Regular Tour of Duty

When it is necessary for an officer to use departmental vehicular equipment for police purposes, not on their tour of duty or by reason of special assignment, they must obtain an order from their commanding officer to do so.

112.11 Vehicle Use - Officers on Beat or Post Assignment

Foot patrol officers shall not patrol in police cars, private automobiles, or other conveyances, except when authorized by their district command officer to do so.

112.12 Safety Restraining Devices

- (1) All officers and CSA employees will use the safety restraining devices (seat belts) provided while operating or riding in a city vehicle.
- (2) All prisoners being transported in a police vehicle will be secured to the seat by using safety restraining devices.
- (3) Failure to use the required safety restraining devices as directed, for officers transporting prisoners and for officers and CSA employees themselves, will result in these minimum penalty assessments:
 - a. First violation will be an oral reprimand with an entry made in the Supervisor's Situation Record.
 - b. Second violation within a 12-month month period will be a written reprimand.
 - c. Third violation within a twelve 12-month month period will be suspension of one day without pay.
 - d. Subsequent violations will be dealt with more severely.
- (4) Injury accidents in which an officer failed to use a required safety restraining device could result in a substantial reduction of State Compensation benefits.
- (5) In accordance with C.R.S. §42-4-237, a peace officer performing official duties may remove the safety belt during vehicle operation only when necessary for the protection of the officer.

112.13 Photo Radar and Photo Red Light (Photo Enforcement) Procedures (Revised 03/2013)

- (1) The Commander of the Internal Affairs Bureau will receive all Photo Radar and Photo Red Light citations of Denver Police Department personnel who are cited while driving city vehicles, in the performance of their duties.
 - a. The information is sent to the commanding officer at the district or bureau where the vehicle is assigned.
 - b. The commanding officer will determine the identity of the officer operating the vehicle and his or her assignment at the time of the incident.
 - c. The officer will be asked to write a statement. It and other supporting documentation, such as Daily Activity Log Sheets and CAD records, will be compiled and sent to the Conduct Review Office for review.
- (2) The Conduct Review Office will determine whether the citation should be excused or not excused. The citation may be excused if the officer is on an authorized Code 10 response, or the officer can articulate the need for expeditious response. .
- (3) If the Conduct Review Office sustains the violation, the following procedure will be followed:
 1. An Internal Affairs Bureau case number will be assigned.
 2. The officer will be served with the Penalty Assessment Notice.
 3. The officer will have 15 days to pay the fine or to set a court date to appeal.

- a. The officer must provide to the Conduct Review Office proof the payment was made.
 - b. If set for court; the officer must provide the hearing confirmation to the Conduct Review Office.
 - c. No on-duty appearance is allowed; no overtime is authorized; the officer may not appear in court in uniform for this court appearance and must check their weapon, as per OMS 103.02 (7)d.
 - d. The court date set must be within 45 days of service of the Penalty Assessment Notice.
- 4. The first and second offenses will appear in CUFFS as "Sustained, No Discipline."
 - 5. The third and subsequent offenses within the prior 12-month period incur scheduled discipline defined by the Manager of Safety, in addition to the requirement for the officer pay the fine or contest the violation in court.
 - a. Third offense – Oral reprimand.
 - b. Fourth offense – Written reprimand.
 - c. Fifth offense – Eight fined hours.

112.14 Automated License Plate Reader System (added 04/2015)

- (1) The Denver Police Department authorizes the use of Automated License Plate Reader (ALPR) technology to automatically detect vehicle license plates and to gather data associated with those plates. ALPR systems and all associated databases are the property of the Denver Police Department and all access to, or utilization of ALPR data and/or equipment is restricted to official law enforcement purposes.
 - a. The ALPR system is administered by the Investigative Technology Bureau.
 - b. The ALPR system utilizes a NCIC/CCIC hotlist obtained from the Colorado Bureau of Investigation. The Investigative Technology Bureau, in conjunction with Technology Services, will ensure the database is updated a minimum of 5 times in a 24-hour period.
 - c. All authorized users must successfully complete all approved ALPR training prior to operating the ALPR system and/or accessing any database information.
- (2) System Operation
 - a. Officers operating a vehicle equipped with ALPR technology must log into the system. The APLR system is updated with the most current hotlist available from the Back Office System Server (BOSS) upon the initial login and the software will subsequently and automatically update throughout the shift so long as the officer remains logged into the system.
 - b. When notified of an ALPR alert, officers must visually confirm the plate against the captured image and verify the validity of the alert through Denver 911 or the MDT. This confirmation must be completed prior to any law enforcement action.
 - c. When a vehicle stop is made as a result of an ALPR alert notification, officers are required to enter a disposition relating to the vehicle stop in the ALPR software.
 - d. The ALPR cameras mounted to the vehicle are not adjustable. Officers will not try to move or reposition the cameras. If there is reason to believe the camera is out of alignment, the vehicle will be taken to the Electronic Engineering Bureau, the Denver Fleet Maintenance Garage or the Investigative Technology Bureau. The three aforementioned are the only areas authorized to make adjustments to the equipment that supports the ALPR.
 - e. Problems with the ALPR software must be addressed by the Electronic Engineering Bureau.
- (3) Data Retention and Sharing
 - a. ALPR data will be retained for a period of 364 days, except for any data deemed as evidence in a criminal investigation or if the department has been given official notice of claim filed. Investigators are responsible for collecting and securing any data as part of a criminal investigation and ensuring the information is retained as part of the investigation.

- b. The release of ALPR database information to anyone other than a law enforcement agency is strictly prohibited and the initiation of such must come in the form of an official request to the department.
- c. Officers sharing ALPR database information with another law enforcement agency must be for the purpose of an official investigation. However, if the requesting agency requires an official record of any information contained within the database, they will be directed to the Investigative Technology Bureau so that the request is documented and the information is properly released.
- d. Any direct ALPR database connection, for the purposes of sharing ALPR database information with another law enforcement agency, will be administered by the Investigative Technology Bureau and must be approved by the Chief of Police or his/her designee.

113.00 - DETENTION PROCEDURES - CITY AND COUNTY

113.01 Denver Sheriff Department Procedures

- (1) The Detention Center visiting hours are 7-9 a.m. and 6-8 p.m., daily.
- (2) Detention Center personnel will not accept any person who is "semi-conscious" or "unconscious" and has to be carried into the Detention Center elevator. Officers will send these persons directly to Denver Health Medical Center for medical diagnosis.
- (3) Requesting Trusty Assistance
 - a. Any officer requesting the aid or assistance of a trusty will contact the captain in the Detention Center
 - b. The trusty will be returned to the Detention Center at the time directed by the captain
- (4) Bonding Procedures
All persons inquiring about appearance bonds shall be referred to the Clerk of the Central Bonding Office, which is located in the Detention Center. The Central Bonding Office is staffed by court personnel each day, from 7:00 a.m. to 3:00 a.m. Members of the Sheriff's Department assigned to the Detention Center will answer inquiries and write misdemeanor bonds during hours the Bonding Office is closed.
- (5) Prisoners from County Jail
Any investigator wanting a prisoner returned from the County Jail to the Detention Center for any reason will call the Sheriff's Department and they will assume the responsibility for the return of the prisoner. Investigators are not to call the County Jail.
- (6) Military Prisoners
Military prisoners being held for the Military Police only shall be booked according to the normal booking procedures. These prisoners shall be released to Military Police personnel upon request. Visitation permits for these prisoners shall be authorized by Military Police personnel only.

113.02 Prisoners in Police Facilities

- (1) To ensure the health, welfare and safety of arrested persons and the police personnel who are processing them, officers will follow these guidelines regarding the use of the holding rooms and holding cells:
 - a. The officer placing an arrested person in a holding room or holding cell is responsible for the person unless relieved by another officer. The responsible officer will remain within sight of the room/cell, unless the prisoner can be monitored by video.
 1. No prisoner shall be allowed to supervise or have authority over any other prisoner.
 - b. When processing uncooperative prisoners, without sacrificing safety for self or others (including the person being processed), officers should not take actions that unnecessarily escalate the situation. For example, officers should generally not put themselves in the position of having to use force against a prisoner who refuses to comply with verbal orders unless the refusal to comply:
 1. Creates a risk of harm for officers, the prisoner or other persons, or
 2. Could compromise evidentiary items.
 - c. When dealing with uncooperative prisoners all options should be considered, taking the totality of the situation into consideration. Options may include:
 1. Leaving the prisoner secured until sufficient resources are available to safely control the person.
 2. Monitoring the prisoner through video surveillance.
 3. Transporting the prisoner directly to the DDC.
 4. Filing appropriate charges against the prisoner for failure to comply with a lawful order.

- d. Prisoners who are intoxicated, under the influence of narcotics, ill or injured shall be examined by paramedics if deemed necessary by the arresting officers, the station officer (in a district), or upon request of the prisoner. The prisoner may be transported to DHMC or the Detention Center as paramedics deem necessary
 - 1. No pharmaceuticals, drugs, or medication will be administered to any arrested person while they are in a holding room/cell, except by qualified medical personnel. Any requests for information regarding a prisoner's condition or medical records must be referred to the treating physician at Denver Health Medical Center.
- e. Officers placing any arrested person in a holding room/cell will also follow all directives and warnings posted outside the room/cell.
- f. Before a prisoner is placed in a holding room/cell, the arresting officer will search the prisoner and the room/cell for weapons and contraband. Any item that might be used to cause harm or injury, or damage to the room/cell, shall be removed, without exception. When the arrestee is departing the room/cell, the arresting officer will conduct another inspection looking for damage, as well as contraband inside the room. A second officer should be present during both of these processes to monitor the prisoner during the searches.
- g. If prior to being restrained in a holding room/cell there is no indication that a prisoner is violent or an escape risk, officers will afford the prisoner an opportunity to use the toilet. If a cooperative prisoner requests the use of the toilet while awaiting transport, provided there are a minimum of two officers available to assist, a reasonable effort will be made to accommodate the request. If possible, a female officer will be present to assist a female prisoner.
- h. To enhance the safety of officers and prisoners and to reduce property damage and the possibility of escape, all prisoners will be restrained while detained in holding rooms/cells. This may be accomplished by handcuffing one of the prisoner's hands to an eyebolt or rail, where the room/cell is so equipped, or by handcuffing the prisoner's hands behind the back.
- i. Officers may enter an occupied cell for the following reasons. If the prisoner is female, a female officer will be present when possible:
 - 1. To assist a prisoner
 - 2. To restrain a prisoner
 - 3. To accompany medical personnel
 - 4. To conduct official police business
- j. Unless it is unavoidable, officers will not enter a holding room/cell alone while armed or in possession of room/cell keys.
- k. No prisoner who is considered violent or an escape risk shall be placed in a holding room. Such prisoners shall be held in holding cells.
- l. Juvenile prisoners shall not be held in holding cells where there are not separate juvenile cells. Officers with juvenile prisoners will comply with OMS 403.14.
- m. In the event a prisoner escapes from a holding cell, the following steps shall be taken:
 - 1. Attempt to recapture.
 - 2. Notify Denver 911 of pertinent information.
 - 3. Notify the arresting officer.
 - 4. If the prisoner is recaptured, notify Denver 911. .
 - 5. Prepare a report of the circumstances of the escape to be forwarded through the chain of command.

(2) The following will apply to prisoners in all holding cells:

- a. A prisoner who is violent or apparently suicidal shall be restrained with handcuffs and/or flex cuffs and shall be held alone in a holding cell, under video or direct observation, pending transport.
 - 1. Suicides and attempt suicides will be handled per OMS 301.14(3). When appropriate, notifications specified in OMS 301.15 will be made.

- b. Holding cells shall be locked when occupied by prisoners. Cells shall be unlocked when unoccupied.
- c. News media, family members, visitors, clergy and all other unauthorized personnel shall not be allowed in occupied holding cells, except with the permission of the district commander or the commander of the unit where the cell is located.
- d. Female prisoners shall not be placed in the same cell as male prisoners.
- e. Operation and maintenance of the DUI holding cells in the Detention Center are the responsibilities of the commander of the Traffic Operations Bureau. Operation and maintenance of patrol district holding cells are the responsibilities of the district commanders. Operation and maintenance of Major Crimes Division and Investigative Support Division holding cells are the responsibilities of the commanders of the divisions where the cells are located.
 - 1. DUI holding cell inspection duties may be delegated to a supervisor of the DUI Unit. Traffic Investigations Bureau. District holding cell inspection duties may be delegated to the Administrative Lieutenant or to the station officer. Major Crimes Division and Investigative Support Division holding cell inspection duties may be delegated to the unit commander where the cells are located.
 - 2. Holding cells shall be inspected for security, damage, and/or disrepair weekly.
 - 3. Repairs to holding cells shall be made when they are unoccupied. Cells shall be inspected after repairs are completed.
 - 4. Evidence of rodents, vermin or other unsanitary conditions shall be reported to the Administrative Management Division for correction.
 - 5. A daily sanitation inspection of each cell shall be made.
 - 6. A first aid kit approved by Denver Health Medical Center Emergency Medical Director shall be available.
 - 7. A weekly inspection of the first aid kit shall be made. Any missing or depleted items shall be replaced.
 - a. A Traffic Operations Bureau supervisor shall log this inspection of DUI cells. The station officer shall log this inspection of district cells.
 - 8. Safety inspections
 - a. Fire extinguishers shall be tested quarterly.
 - b. Fire extinguishers shall be inspected monthly.
 - c. Fire detection devices and alarms, if equipped, shall be tested monthly.
 - 9. In the event a cell is contaminated, that cell will not be used for confining another prisoner until it has been decontaminated.
- (2) Prisoners brought to the Police Administration Building will be taken to the B-1 level. From the B-1 level prisoners can be taken to the detective areas of the building. Prisoners will not be taken in through the front doors of the Police Administration Building.
- (3) DUI cells in the Detention Center
 - a. Emergency call/panic alarms are located throughout the DUI Room for emergency assistance.
 - 1. To activate an emergency call for assistance, officers need to push one of the large red buttons located in the DUI Room area. This will activate an alarm in the sheriff's intake area and automatically notify Denver 911.
 - b. A prisoner who is violent or apparently suicide-prone shall be restrained with handcuffs and/or flex cuffs and shall be held alone in a cell, under direct observation by the arresting officer or their designee, pending transport.
 - 1. Each DUI Room holding cell is video recorded.
 - c. Cells shall be latched when occupied by prisoners.

- d. Juveniles suspected of DUI will be transported to the Traffic Operations Bureau where they will be processed by either Traffic Operations Bureau officers or Traffic Investigations Bureau detectives. If found to be over the legal limit, they will be transported to Denver Health Medical Center.

(4) Patrol district holding cells

- a. Procedures in OMS 113.02 (1) and (2) of this policy also apply to patrol district holding cells.
- b. Holding cells shall be locked when occupied by prisoners. Cells shall be unlocked when unoccupied. **Cells shall be searched by the station officer before and after being occupied by a prisoner.** Station officers may enlist the assistance of other officers in accomplishing this task.
- c. Arresting officers may obtain cell keys from the station officer prior to placing a prisoner in the holding cell. Keys shall be returned to the station officer after securing the prisoner. Keys are not to be left in the cell door at any time, for any reason.
- d. Juvenile prisoners are not to be detained in district station holding cells that lack separate juvenile facilities (Districts 4, 5 and 6), but are to be transported directly to the Juvenile Intake Unit. Juveniles may be detained in temporary holding cells at stations equipped with separate juvenile holding facilities (Districts 1, 2 and 3). Officers with juvenile prisoners will comply with OMS 403.14.
- e. Each district station holding cell is recorded, by either videotape or digital means. District commanders will familiarize themselves with the type of recording equipment specific to their assignment.
 - 1. Videotape: Videotape recorders are housed in lock boxes to prevent tampering. It is the responsibility of each district commander to ensure that the videotapes are changed on a daily basis by an individual not lower in rank than sergeant. Videotapes are to be labeled with the date and time the recording started, and the date and time the recording ended. Videotapes will be maintained in a secure area within the station for a period of not less than 30 days. After the expiration of 30 days, the videotapes may be recorded over.
 - 2. Digital: Digital recording equipment does not require maintenance or upkeep by district personnel. Digital system failures, indicated by alarms, blank monitor screens, etc., will be scheduled for repairs by station officers at the earliest opportunity.
- f. Duties and responsibilities of the station officer
 - 1. The station officer on each shift shall be responsible for the operation of the holding cells and any prisoners therein.
 - 2. The station officer shall keep a log of prisoners confined during the shift. A secure place shall be provided for prisoners' property. The station officer's prisoner log will document:
 - a. Prisoner's name
 - b. Date and time
 - c. Property received
 - d. Date and time of release
 - e. To whom released
 - 3. Potential weapons and items prisoners might use to harm themselves shall be placed in the prisoner property envelope, after recording the contents appropriately. If the property cannot be handled by the transporting personnel, it will be taken by the arresting officers to the Property Management Bureau. Disposition of the prisoners' property will be noted on the station officer's prisoner log sheet.
 - 4. The station officer shall be in control of the keys to the holding cells.
 - 5. All prisoners shall be personally observed by the station officer at least once every 30 minutes. The time of this observation shall be logged.

6. A supervisory officer shall review the detention of any prisoner held in excess of one hour.
- (5) Holding cells at the Identification and Records Bureau
 - a. Procedures in OMS 113.02 (1) and (2) of this policy also apply to the holding cells at the Identification and Records Bureau.
 - (6) Procedures in OMS 113.02 (1) and (2) of this policy also apply to holding rooms at the Police Administration Building, as well as the following:
 - a. The holding rooms at the Police Administration Building are temporary detention and interview facilities. They are not intended to be secure.
 - b. No prisoner will be confined in any investigation division's holding cell for over 60 continuous minutes.
 - c. If possible, arresting officers should limit each holding room to one occupant.
 - d. Juvenile prisoners will not be detained in any investigation division's holding cell.
 - e. Personal property and evidence obtained from the arrestee shall be handled as prescribed in OMS 106.00.
 - f. Arresting officers will remain within sight of the room that their arrestee has been placed in. Should the arresting officer find it necessary to leave the immediate area of the room holding their arrestee, they will arrange, in advance, for an officer/detective to watch the room with the arrestee. At no time will the officer/detective leave the immediate area of the room without someone designated to observe the room and arrestee.
 - g. Prisoners shall be allowed to make a reasonable number of telephone calls (collect or long distance) to communicate with their attorney or family while confined in the holding room.
 - h. In the event that a prisoner escapes from the holding room, the following steps shall be taken in an attempt to recapture:
 1. Notify the Information Desk of the escape.
 2. Notify the Administrative Management Division to close the doors from B-1 to Delaware Street.
 3. When possible, close the doors from B-1 to Cherokee Street and cut off the electricity to the doors. The doors can be closed by using the buttons and electricity can be cut off by using the switchbox. The buttons and switchbox are to the right of the doors.
 4. Send investigators to the first floor and B-1 to screen pedestrian and vehicle traffic leaving the building.
 5. Institute a search of the entire building. Notify supervisors and personnel on each floor of the escape and physical description of the suspect. The search should include stairways, unoccupied offices, B-1 and B-2 levels.
 6. Notify Denver 911 of the pertinent information. Also notify Denver 911 if the prisoner is recaptured.
 7. Prepare a report of the circumstances of the escape to be forwarded via the chain of command to the Deputy Chief of Operations and Deputy Chief of Administration.
 - i. Any situation that may affect the health, welfare, safety and care of an arrestee while inside the holding room should be brought to the immediate attention of the commander in whose division the room is located.

114.00 - EMPLOYMENT OUTSIDE THE POLICE DEPARTMENT

114.01 Secondary Employment

- (1) SECONDARY EMPLOYMENT, as used in this section, is defined as any work, including self-employment, performed by any officer apart from official assigned duties and required duty times. Secondary Employment is not permitted under certain circumstances as identified in this policy. Secondary Employment Police Work can be denied or limited in hours at any time by the Chief of Police or an officer's commander. Violations of this section may result in a suspension of the off-duty work privilege in addition to formal disciplinary action.
 - a. The Chief of Police shall have complete charge of all off-duty assignments and/or Secondary Employment Police Work. The Chief of Police may delegate this authority to a designated subordinate.
 - b. Officers employed to perform Secondary Employment Police Work will be bound by their police authority for the enforcement of the ordinances and laws of the City, State, and United States. Officers may act to prevent a breach of the peace or to enforce the law, but officers shall not enforce rules made in the interest of the secondary employer.
 - c. Officers engaged in Secondary Employment will be subject to all rules, regulations, and procedures of the Denver Police Department.
 - d. No officer will engage in any Secondary Employment activity, the result of which could be detrimental to the best interest of, or in conflict with, the goals, objectives, and procedures of the Denver Police Department.
 - e. Supervisors and command officers are prohibited from working any Secondary Employment that is scheduled by a subordinate officer in their chain of command.
 - f. An officer must allow a minimum of 15 minutes between the end of his/her regular shift and the start of his Secondary Employment shift. Exceptions may be made if the regular shift and the Secondary Employment shift originate at his/her regular assignment.
- (2) Definitions
 - a. POLICE WORK - Secondary Employment requiring the use of police authority.
 - b. NON-POLICE WORK - Secondary Employment not involving the use of police authority.
 - c. SUPERVISOR - An officer holding the rank of sergeant or above.
- (3) Restrictions
 - a. All officers are reminded that their primary responsibility is to the duties of their Denver Police Department assignments. Secondary Employment must not interfere with their on-duty responsibilities.
 - b. Except as provided herein, no officer will be permitted to perform Secondary Employment Police Work prior to completing the probationary period. Exceptions include, but are not limited to, backfill. Other exceptions may be made by the Chief of Police. These exceptions must be approved in writing and submitted to the Secondary Employment Office. Lateral entry personnel may perform Secondary Employment Police Work after completing one full year with the Denver Police Department.
 - c. No police officer will be permitted to perform secondary employment police work at a location, establishment or venue where marijuana is sold or the primary purpose of the location, establishment or venue is the consumption, production, testing, or transportation of marijuana or marijuana infused products. This restriction prohibits officers from providing security at any such location and from providing security for the transportation of financial proceeds from any marijuana related business.

- d. No officer with less than two years of service with the Denver Police Department will be permitted to perform Secondary Employment in any establishment that sells liquor or any alcoholic beverage and/or has a liquor license as part of its business, unless specific written approval is obtained from the Chief of Police. If approval is granted from the Chief of Police, all officers working these establishments must have completed the required department training for Secondary Employment at Liquor Establishment as outlined in OMS 114.05.
- e. Officers off duty due to personal or line of duty illness/injury, extended military leave, leave of absence, suspension, or on a limited duty status, will not be permitted to perform Secondary Employment Police Work. However, such officers may seek written permission from the Chief of Police to perform Secondary Employment Non-Police Work. The Chief of Police will grant or deny such requests on a case-by-case basis under the same factors that are applicable to active duty officers seeking permission to work Secondary Employment Non-Police Work.
- f. Officers on FMLA for non-personal illness/injuries must request permission from the Chief of Police to work Secondary Employment. Upon receiving written permission from the Chief of Police, a copy of the letter will be forwarded to Human Resources and to the Office of Secondary Employment.
- g. No Secondary Employment will be performed contrary to the provisions of Sections 2-51 through 2-67 of the Revised Municipal Code of the City & County of Denver relating to Ethics and Conflicts of Interest.
 - 1. No officer will be permitted to work as private security, a private investigator or for a private investigation firm without prior written approval from the Chief of Police.
 - 2. Before an officer may work as a bodyguard or as non-police private security, a letter will be sent to the Chief of Police through the officer's chain of command requesting approval for this kind of employment. A copy of the approved letter will be sent to the Secondary Employment Office.
- h. The total of on-duty hours and off-duty Secondary Employment hours, including Department Administered Overtime Assignments, shall not exceed 64 hours in the calendar week, Sunday through Saturday. Exemptions to the maximum weekly hour limits may be made by the Chief of Police. Court time will not be included in this total; however, all other DPD paid overtime assignments, including backfill and grants, will be included.
 - 1. Officers who work less than 40 hours in a calendar week through the use of vacation, saved vacation, saved holiday, accumulated sick leave, or compensatory time may increase the number of Secondary Employment hours worked, up to the 64-hour limit, subject to the provisions of 114.01(3)d and e.
 - 2. Officers will not be allowed to work more than 16 hours in a 24-hour period. A 16-hour work day starts with the start of the first shift worked regardless if the first shift is the off duty job or the officer's regular duty assignment.
 - 3. Officers will not split shifts and/or flex their shifts to accommodate a Secondary Employment schedule.
- i. Officers will not perform Secondary Employment at any establishment or in connection with any industry during a period of strike affecting any of the workers connected with such industry without prior approval of the Chief of Police.
- j. Denver Police Officers are not permitted to work Secondary Employment Police Work that utilizes a non-police scheduler or broker.
- k. Officers must be compensated directly by the employer and not by any intermediary or agent.
 - 1. No officer of any rank may handle or distribute any cash payments to officers.
 - 2. The employer must arrange for any cash distribution to officers.
 - 3. Checks written by the employer may be distributed by the officer coordinating the off duty employment. If coordinated by the Secondary Employment Office, the employer must make arrangements to distribute checks directly to the officer(s).

- l. Officers are prohibited from working off-duty in any establishment which constitutes a threat to the status or dignity of the police as a professional occupation. This includes establishments which furnish "adult" entertainment (nudity of any kind); those which sell pornographic books, magazines, sexual devices or videos or that otherwise provide entertainment or services of a sexual nature; or any gambling establishment not exempted by law.
- m. Officers shall not perform Secondary Employment at any establishment after a Public Nuisance case has been filed with the City Attorney's Office and/or the District Attorney's Office. In addition, officers shall not perform Secondary Employment at any establishment **whose primary business is the sale of alcohol for on-site consumption, social clubs, or mixed venues (combination of alcohol and non-alcohol events), where a public nuisance case has been opened by the Nuisance Abatement Unit.**
 - 1. The Secondary Employment Office will be notified by the Nuisance Abatement Coordinator of any establishments which are subject to such an investigation.
 - 2. Individual officers who have current requests for Secondary Employment for establishments which fall under the nuisance abatement restrictions will be notified by the Secondary Employment Office of those restrictions when they become effective.
 - 3. A list of locations subject to such restrictions will be published in the Daily Bulletin.
 - 4. Restrictions on Secondary Employment will commence immediately upon notification by Nuisance Abatement.
 - 5. This does not preclude the Chief of Police from canceling Secondary Employment POLICE WORK at any establishment at any time. The Chief of Police may also withdraw his permission for an officer to work Secondary Employment Non-Police Work at any establishment at any time for reasons consistent with this policy.
 - 6. The Secondary Employment Office shall make reasonable efforts to contact the scheduler and any officers who may be scheduled to work at these locations and advise them of the restriction.
- n. The use of police equipment in the performance of Secondary Employment Police Work duties must be approved by the officer's commander. This approval will be granted only when the use of this equipment can be justified for the safety of the public and/or officers, or when such use is determined to be in the best interest of the department.
- o. Officers assigned to the Secondary Employment Office shall not accept Secondary Employment received through their office without prior approval from the Commander of the Civil Liability Bureau.
- p. Whenever a commander places restrictions upon an officer regarding secondary employment issues, that commander will ensure that the Internal Affairs Bureau and the Supervisor of Secondary Employment is notified of the specific restriction and its intended duration. In the event that the privilege is restricted for an indefinite time period, the commander will be required to notify the Internal Affairs Bureau and the Supervisor of Secondary Employment again, when that restriction is lifted.

The notification requirement includes any restrictions placed on an officer working department paid overtime (or other work) that requires Secondary Employment approval.
 - 1. Upon transfer of the involved officer, notification of any change in status of work privileges must be routed through the Internal Affairs Bureau, the Supervisor of Secondary Employment, and the officer's new assignment.
- q. Failure to obtain Secondary Employment approval in TeleStaff by a supervisor in the officer's chain of command, prior to the officer working the job may result in suspension of Secondary Employment privileges as follows:
 - 1. 1st offense in a 12-month period: 60 days
 - 2. 2nd offense in a 12-month period: 120 days
 - 3. 3rd offense in a 12-month period: 360 days
 - 4. Subsequent violations will be dealt with by more severe sanctions.

(4) Requirements

- a. Officers authorized to perform Secondary Employment Police Work will be responsible for properly advising their secondary employer of the department policy regarding Secondary Employment Police Work as stated on DPD 149E, Employment Contract.
- b. Officers performing Secondary Employment Police Work who become involved in a police action shall be equipped with, and complete the routine paperwork involved with the action. Off-duty officers must attempt to have prisoners transported via scout car prior to calling on-duty officers to transport. The intent of this section is to reduce unnecessary demands on on-duty personnel. On-duty officers, however, will provide backup support, aid or transportation required by officers performing Secondary Employment Police Work.
- c. District supervisors will ensure that on-duty resources are not utilized unnecessarily and will monitor compliance of off-duty officers.
- d. Officers using department radios will monitor the district channel in which the job is located and shall notify the dispatcher of their location and anticipated length of the job.
- e. Events staffed with more than seven officers require the off-duty supervisor to fax a detail to Denver 911.
- f. The provisions for Secondary Employment will not relieve any member of the Police Department from the responsibility to be available and respond to a call for active duty by the Denver Police Department at any hour.
- g. Officers wishing to perform Secondary Employment Police Work in plainclothes may not do so without prior approval from the Deputy Chief of Operations through the chain of command.
 - 1. Officers who work in plainclothes must have completed Denver Police Department training in plainclothes and undercover operations. The training verification shall be attached to the request.
 - 2. The scheduling officer is responsible for ensuring that any officer who will work the job has received prior approval to work in plainclothes.
 - 3. The scheduling officer may request group approval on behalf of a number of officers; however the training verification for each officer shall be attached to the group request.
 - 4. A copy of the approved letter will be forwarded to the Secondary Employment Office.
- h. Officers working in a construction area are required to wear the Department authorized helmet.
- i. Officers working traffic direction or control are required to wear the uniform hat and reflective vest apparel. See OMS 111.02(1)a.3 and 111.02(12).
- j. Denver Police Officers are prohibited from working any Secondary Employment (off-duty) job with a Denver Sheriff's Deputy. Denver Police Officers may continue to work Secondary Employment jobs at events where sheriffs operate the scout car. The Chief of Police must approve exceptions to the policy.

(5) Civil Liability While Performing Secondary Employment Police Work

- a. The City will not accept liability when officers are acting outside the limits of their police authority or duty, such as enforcing rules made in the interest of management and/or their secondary employer.
- b. Officers are not allowed to perform Secondary Employment Police Work outside the City and County of Denver without written permission from the Chief of Police. A copy of the approved letter will be sent to the Secondary Employment Office.

(6) Scheduling of Officers

- a. The Chief of Police or his designee reserve the right to specify the number of off-duty officers required at any event or place of business at any time.
- b. The Chief of Police shall review all security arrangements for major events which utilize the police services of off-duty officers.

- c. For major events, the District Commander, Secondary Employment Supervisor and the scheduling officer may have input in determining the number of off-duty officers required.
 - d. When scheduling officers for any event or place of business, the safety of officers and citizens attending the event are of primary concern. Issues to be considered include, but are not limited to:
 - 1. The location and time of day.
 - 2. The anticipated crowd size.
 - 3. The availability of alcohol at the event.
 - e. The Chief of Police or District Commander may assign an on-duty command officer to any event where off-duty police officers are employed to supervise and direct security at such event.
 - f. At those events where the Chief of Police has NOT designated an on-duty command officer, officers performing Secondary Employment Police Work will, regardless of their rank, be subject to supervision by supervisors and commanders in the district in which the work occurs. If the Secondary Employment Police Work is traffic control, the officer will also be subject to the supervision of Special Operations Division supervisors and commanders.
 - g. The minimum ratio of off-duty officers to off-duty supervisors participating in Secondary Employment Police Work at a specific location during the same period of time is:
 - 1. One to six officers: No sergeants required.
 - 2. Seven to 13 officers: One supervisor.
 - 3. Fourteen to 20 officers: Two supervisors. Senior supervisor is in charge.]
 - 4. Twenty-one to 27 officers: Three supervisors. Senior supervisor is in charge.]
 - 5. Twenty-eight to 34 officers: Four supervisors. Senior supervisor is in charge.]
 - 6. Thirty-five to 41 officers: Five supervisors and one command officer.
 - 7. Forty-two to 48 officers: Six supervisors and one command officer.
 - 8. Forty-nine to 55 officers: Seven supervisors and two command officers.
 - h. Scheduling officers
 - 1. Officers supervising and/or scheduling off-duty officers for Secondary Employment Police Work may be paid a higher hourly wage than the off-duty officers by the secondary employer or may be paid a flat rate for scheduling other officers. Any compensation for scheduling must be paid by the employer and not deducted from the earnings of other officers working the job.]
 - 2. Officers who are responsible for scheduling other off-duty officers for Secondary Employment Police Work shall not discriminate in the hiring of officers by complying with OMS 117.03. Schedulers shall also comply with OMS 114.01(6)c and d.]
 - 3. Denver Police Officers shall not schedule Denver Sheriff's Deputies for off-duty work.
 - 4. Scheduling officers, supervisors and commanders will ensure that all off-duty officers under their direction are in compliance with OMS 114.01.
- (7) Officers incurring any injury which is not the result of an official police action while engaged in Secondary Employment will be responsible for reporting the injury directly to the State Division of Labor or the insurer of the employer. This report will not be forwarded through the Police Department. All such injuries will be considered by the Department as an injury not in the line of duty and the officers' absence will be deducted from their sick leave banks. Upon use of all accumulated sick leave, compensatory time and saved time, additional absence from duty will not be compensated by salary.
- (8) If the injury is the result of an official police action, the officer will comply with procedures outlined in OMS 505.10.]
- (9) Off Duty Employment at Apartment Complexes
- a. Any officer providing police service in exchange for subsidized rent, at any type of housing complex, shall be considered to be engaging in Secondary Employment Police Work.

- b. Officers so employed shall comply with all of the requirements set forth in the Denver Police Department OMS 114.01, Secondary Employment. Officers may not provide any on-duty services to these employers as part of their secondary employment agreement.
- c. Officers, who perform security work in exchange for subsidized rent during predetermined and fixed hours, shall enter each scheduled shift in TeleStaff on the Non Department Paid Off Duty Roster. Officers shall make an entry for each scheduled shift.
 - 1. If the officer is on call for the housing complex on the same date as his/her scheduled shift, he/she will enter the on call times in the Notes field.
 - 2. In the event an officer is called out, they will make an entry within 24 hours of the call out on the TeleStaff Non Department Paid Off Duty Roster for the affected date and times. A brief explanation of the call out will be entered in the Note field. This entry can also be done via the Internet component of TeleStaff.
- d. Officers who, as a part of this employment are subject to call as needed will make an entry in the TeleStaff Non Department Paid Off Duty Roster for the listed job on the first of each month. When this entry is approved, the officer is allowed to respond as needed for the month. This entry must include information in the Note field that the officer is on call for the month.
- e. If an officer is called out, he/she will make an entry within 24 hours of the call out on the TeleStaff Non Department Paid Off Duty Roster for the affected date and times. A brief explanation of the call out will be entered in the Note field. This entry can also be done via the Internet component of TeleStaff.
- f. The Secondary Employment Coordinator will perform periodic audits to ensure that the total time spent responding to requests for police service, in combination with any other Secondary Employment performed by the officer does not exceed the maximum hours permitted for Secondary Employment.
- g. In the event an officer exceeds the limit of off duty hours allowed for that week as a result of time spent on call out actions related to their employment at a housing complex, the officer shall explain the circumstances in a DPD 200 through the chain of command to his/her commander.

114.02 Secondary Employment Non-Police Work: Procedure

- (1) Any officer desiring Secondary Employment Non-Police Work, including self-employment, will submit DPD 149A, Application for Non-Police Secondary Employment, through the chain of command.
- (2) The supervisor or commander reviewing the letter will ensure that the officer is in compliance with OMS 114.01(3)e and f.
- (3) Approved or disapproved requests will be forwarded to the Secondary Employment Administrator for distribution and filing.
 - a. The original letter will be retained by the Secondary Employment Supervisor.
 - b. A copy of the letter will be returned to the officer.
- (4) In the case of recurring Secondary Employment Non-Police Work, this request must be renewed annually for the upcoming year during the first 15 days of December, unless the conditions of employment change, in which case a new request must be submitted.

114.03 Secondary Employment Police Work: Procedures

- (1) DPD 149E, Office of Secondary Employment-Employment Contract
 - a. Any employer of off-duty Denver Police Officers must complete DPD 149E, Office of Secondary Employment's Employment Contract.
 - b. Such employer signatures must be renewed by December 15th of each year for the upcoming year, and each time the original signer changes. A grace period of December 31st will be provided. However if the contract has not been received by the Office of Secondary Employment by the end of the grace period, officers will not be permitted to work the off duty job.

- c. If officers are discovered to be working a job where no contract has been filed with the Office of Secondary Employment, such officers will be subject to suspension of their off duty privileges according to OMS 114.01(3)(p)1-4.
 - d. The original of the form is sent to Secondary Employment. The copy of the contract is retained by the employer.
 - e. The scheduling officer must also sign the form.
- (2) **Supervisors Responsibility:** Supervisors will monitor their officers' Secondary Employment on a weekly basis to ensure compliance with Secondary Employment policy and procedures, specifically to ensure they are not exceeding the maximum daily and weekly hours allowed.
- (3) **Approving Secondary Employment Request through TeleStaff:**
- a. All Non Department Paid Off- Duty jobs and Department Paid Off-Duty jobs are processed in TeleStaff and appear on the Roster. Standard procedure requires officers to place themselves on the off duty job on the TeleStaff Roster. There may be circumstances where a supervisor places the officer on the job. (See the TeleStaff Procedure Manual for the procedure on how to roster a Non Department Paid Off Duty job and Department Paid Off-Duty jobs.)
 - b. All Secondary Employment work requires approval. Supervisors provide the required approval for Secondary Employment. When an officer adds his/her name to an off duty job on the Roster a work code is placed on their TeleStaff calendar. This work code contains the job name and the hours of the job to be worked. The supervisor will approve the officer's off duty job through TeleStaff. **All off duty jobs must be approved by a supervisor in the officer's chain of command before the job is worked.** (See the TeleStaff Procedure Manual for the procedure on how to approve an off duty job.)
- (4) **Cancelling Secondary Employment Jobs:**
- a. Officers are limited to a specific number of hours for off duty work each week. It is important to cancel off duty jobs in TeleStaff so the officer's calendar accurately reflects the total number of off duty hours worked.
 - b. If an officer needs to cancel an off duty job, the officer must contact a supervisor. The supervisor removes the officer from the off duty job in TeleStaff by editing the work code to **Forfeit**. There is no additional approval process.
- (5) **Emergency Requests:** An emergency request is a same day request to work an off duty job, where the requesting officer may not have access to their chain of command for approval.
- a. **Officer's Responsibility:** The requesting officer shall contact an on-duty supervisor from the district where the off-duty job is located, to request that they approve the TeleStaff entry. If the officer did not have access to a computer to make an entry in TeleStaff, they shall request that the supervisor, both enter the job in TeleStaff and approve it as well.
 - b. **Supervisor's Responsibility:** The supervisor shall exercise due care in approving such requests to ensure that the requesting officer is eligible to work the requested assignment. After entering and/or approving the TeleStaff entry, the supervisor shall notify the officer's chain of command of the request and approval, via email.
 - c. **Emergency Request for Secondary Employment: Job Not in TeleStaff:** If this job has not yet been entered in TeleStaff, the officer will have the employer complete the Secondary Employment contract, the officer will then forward the contract to the Office of Secondary Employment along with information about who worked the new job and on what date. The officer will contact a supervisor before working the job and the supervisor will add the officer to TeleStaff under a job titled "To Be Configured on the Non-Department Paid Off-Duty roster in TeleStaff.
- (6) **Editing Hours Worked:** If the actual hours worked for an off duty job differ from the scheduled hours, the actual hours need to be adjusted in TeleStaff. Officers will need to contact their supervisors to edit the time in TeleStaff. (See the TeleStaff Procedure Manual for the procedure on how to edit hours worked for Secondary Employment).

- (7) **Use of Compensatory Time to Work Secondary Employment:** Use of compensatory time will not be granted to any individual officer on a regularly scheduled basis for any purpose, including working Secondary Employment.

- a. When the operational needs of the Department are not jeopardized, and when staffing permits, officers may seek prior written approval from their commanding officer to use comp time to work Secondary Employment. In such situations, commanders must document the nature of the circumstance on a DPD 200 and forward their justification to their deputy chief for review. The commander will then forward the approved request to the Secondary Employment Office for filing.
- b. When deciding to grant the use of compensatory time, command officers must adhere to the policy that the officers' on-duty responsibilities have been met. Command officers must continually review the records of officers under their command to ensure that during periods in which compensatory time has been granted, overtime was not routinely necessary to complete non-emergency duties.
- c. The use of compensatory time must be approved by a supervisor, and no detail shall go below minimum staffing levels to accommodate an officer working a department administered overtime assignment.
- d. If an officer is authorized to be excused from his normal shift by the use of compensatory time, under no circumstances will premium pay be authorized to backfill the hours the original officer was excused.
- e. Compensatory time used for this purpose cannot be accumulated in the same day as used. The compensatory time must be from the individual officer's compensatory bank.

114.04 Department Administered Overtime Assignments:

- (1) **Grants:** A grant is awarded to the Department and typically used as paid overtime to address specific situations (e.g. DUI LEAF Grant is overtime money dedicated to DUI enforcement). A grant is another type of Secondary Employment. Pay for grant assignments appear on an officer's paycheck.

All grants are processed in TeleStaff and appear on the Roster. There is a Roster view titled "Grants" that displays the active grants.

Officers place themselves on the Job Roster. Grants, like off-duty jobs, require approval by the officer's supervisor. The second approval occurs when a command officer reviews off duty/grant hours worked by their personnel. Command has the option of adding their badge number to off duty and grant work codes.

The Grant Coordinator is responsible for recording actual hours worked on the officer's calendar.

- (2) **Non Grant Department Paid Secondary Employment:** This Secondary Employment encompasses Department Paid off duty jobs paid by the city that is not a grant. The officer's payment is included in the department paycheck. All off duty jobs are processed in TeleStaff and appear on the Roster. Standard procedure requires that officers place themselves on the off duty job on the "Department Paid Off Duty Roster. There may be circumstances where a supervisor places the officer on the job, i.e. an emergency request. If you don't find the job in this Roster view, check the "Grants" roster.

As with all Secondary Employment, this job must be approved by a supervisor before the officer works the job.

If the actual hours worked for a department paid off duty job differ from the scheduled hours, the actual hours are adjusted in TeleStaff. Officers may be asked to submit the "Officers Overtime Authorization" slip to the on-site supervisor or job supervisor. The supervisor will enter the actual hours worked in TeleStaff.

- (3) Officers must follow the guidelines found in OMS 114.01(3)g limiting the number of hours an officer may work in a day or week.
- (4) All Department paid overtime assignments shall be administered under the direction of the commander whose division has primary responsibility for the assignment.

- (5) Prioritization of eligible officers shall be made according to assignment, expertise or training required, as determined by the affected commanders or their designees. Appropriate measures shall be taken to ensure consistency of work rules if more than one district, bureau or division is involved in carrying out the assignment.
- (6) Incidents of unsuitable performance by officers working paid overtime assignments (absence, tardiness, improper equipment, etc.) will be documented and may result in an officer being excluded from future overtime assignments administered by the Department.
- (7) Officers may use accumulated compensatory time to be excused early from their normal work shifts to work department administered overtime assignments. Officers must follow the guidelines found in OMS 114.03(7).
- (8) No splitting of shifts will be allowed to accommodate a department administered overtime assignment.

114.05 Liquor License Establishment Training

All Denver Police Officers must complete the required department training before being permitted to work in any liquor license establishment or at any location where alcohol is being served for on-site consumption. This training needs to be completed once every three years or as directed by the Chief of Police.

- (1) Officers will complete the training by watching a video regarding Secondary Employment in Liquor Licensed Establishments. This video can be found on the department's Intranet site.
- (2) After viewing the video, the officer will print out the "Sign Off Form" and thoroughly review the form before signing the form.
- (3) After the officer has reviewed and signed the form, the form will be given to a command officer or supervisor to be signed off.
- (4) A copy of the signed form will be placed in the officer's station file. The original will be sent to the Secondary Employment Office.

115.00 - CHAIN OF COMMAND

115.01 Chain of Command Procedure

- (1) Members who wish to make suggestions for the improvement of service shall have the privilege of communicating through the official channels in writing to the Chief of Police. Suggestions may also be made to the City Suggestion Program or directly to the Internal Affairs Division or to the Planning, Research and Support Division.
- (2) All requests, complaints, suggestions or reports of occurrences of irregularities regarding policies, procedures, or assignments of the police department shall be directed through channels as follows:
 - a. Every member of the police department shall direct all requests, complaints, reports, or suggestions to their immediate supervisor in writing. Inter-departmental stationery shall be used for such communications unless prepared forms are provided.
 1. EXCEPTIONS: If the complaint is against the officer's immediate supervisor, the officer may direct the initial communication to the officer next higher in rank within the division.
 2. Any officer or employee of this Department who feels threatened in any manner or feels that the integrity of the Department is in jeopardy is authorized to report this situation directly to the Chief of Police or to the commanding officer of the Internal Affairs Division without reporting first to his supervisory officer.
 3. Employee's Suggestion (Form # 1 ESB) may be sent directly to the Mayor's Office or to the Budget and Management Office in the Webb Municipal Building.
 - b. It shall be the duty of all members of the department receiving such communications from a subordinate to make answer in writing as soon as practical; and in any case not longer than five days after receipt of such communication.
 - c. Any member receiving a reply from their immediate supervisor in answer to such communication that is not satisfactory, may direct a communication to the officer next higher in rank in their division. Such communication shall include a copy of the communication to their immediate supervisor and a copy of their reply.
 - d. Such communication may be carried as far as the Office of the Executive Director of Safety so long as each succeeding level of command within the division has been given written notice and a reply returned.
 - e. Except as may be otherwise provided by Civil Service regulations, such communications shall not be directed to any office outside the Department of Safety without the written permission of the Chief of Police and the Executive Director of Safety.
 - f. Members of the department shall be free to seek advice and counsel or obtain the assistance of other officers in the Classified Service in their presentation of a complaint at any command level, as long as all members involved in such complaint restrict their activity to the provisions of this chain of command procedure.
 1. In complaints reaching the level of division commander or higher without solution, complaining members may be represented by duly authorized members of the Denver Police Protective Association or by private legal counsel.
 2. Any officer in the Classified Service who so assists another officer in the presentation of any complaint shall not be penalized or prejudiced in any manner because of such presentation.
- (3) Members of the police department shall be required to take direct orders from, and be directly responsible to, one supervisory officer, except as otherwise provided herein: Refer to OMS 501.03.
 - a. A command officer or a supervisory officer shall retain command powers over all subordinates within the department, but shall exercise such command powers over subordinates outside their usual command only in situations where the police purpose or the reputation of the department is jeopardized.
 - b. Command or supervisory officers finding it necessary to exercise their command powers with subordinates outside their usual command, either to give orders or on-the-spot reprimands, shall at their earliest convenience report such action to the command or supervisory officer in charge of the member involved.

- c. Orders related to departmental policy or procedure shall emanate from the Chief of Police and shall be directed to the level of execution by succession of the several levels of rank in each division as they are applicable, in such a way that members shall receive such orders or directives from their immediate supervisor.
 - d. Inter-departmental or inter-bureau procedures or policies that do not affect the entire department shall be by directive from the level initiating to the level of execution. For information purposes, directives will also be forwarded to the next highest level of command.
 - e. Officers shall be responsible for issuing and enforcing all legal orders that are directed to them from their immediate supervisor.
 - f. Any order or directive given by an immediate supervisor which, by its nature or by mitigating circumstances, cannot be carried out shall be complied with insofar as possible, and a report of the circumstances shall be made in writing to the immediate supervisor from whom it was issued as soon as practical.
 - g. Nothing in this procedure shall be interpreted to exempt any member from taking appropriate police action in the face of an emergency. Any such occurrence requiring departure from an order, or any part thereof, shall be reported at once to the commanding officer on duty next in the chain of command.
 - h. Nothing in this procedure shall be construed as superseding command and supervisory authority vested in the divisional command.
- (4) All matters related to proposed resolutions, new ordinance initiation or current ordinance amendment must be processed through the chain of command to the Executive Director of Safety's Office prior to being considered for the Mayor-Council or City Council agenda. Additionally, requests for legal research, opinion or drafting of such matters will be forwarded to the City Attorney's Office only after being processed through the chain of command and via the Executive Director of Safety's Office.
 - (5) Only the Chief of Police or his designee may engage in lobbying reflecting the official position of the Denver Police Department at the City Council or the State Legislature. Any officer who wishes to take part in the lobbying process shall contact, in writing, the Deputy Chief of Administration through the chain of command. This shall also include any testimony at either City Council or the State Legislature.
 - (6) Representatives of employee organizations when conducting organization business are not restricted by the chain of command for their respective assignments.

115.02 Detective and Metro/SWAT/K-9 Bureau Training Programs

- (1) The Detective and Metro/SWAT/K-9 Bureau Training Programs are designed to provide officers an overview of the position and training specific to the assignment. The Training Program provides a career enhancing opportunity for the officer. Participation in a training program is ***not a pre-requisite*** for appointment to a detective or Metro/SWAT/K-9 technician position.
Training is offered in the following areas:
 - Investigations – Patrol District Investigations and Major Crimes Night Shift Unit (2 work-period training assignment)
 - Vice Control Section – (6 work-period training assignment)
 - Metro/SWAT Bureau – (2 work-period training assignment)
- a. Minimum eligibility requirements
 - Applicants must be the rank of a police officer 1st grade and below the rank of sergeant.
 - 1. Lateral hires must be a police officer 1st grade and have 36 months of continuous service from the date of their graduation from the police academy in order to be eligible.
- b. Discipline History Assessment: Applicants will be ineligible for a training program based on the same criteria used in the most recent Civil Service promotional process. Automatic disqualifiers can be accessed at www.denvergov.org/civilservice/.
- (2) Detective and Metro/SWAT/K-9 Candidate Application Packet
 - a. Minimum requirements
 - 1. Cover letter (one page maximum) and personal resume (two page maximum).
 - 2. Previous five year sustained complaint report, obtained from Internal Affairs Division.
 - 3. Performance Evaluation reports for the last three years, to include the supervisor's journal entries and officer self-assessment addendums.

b. Training Selection

1. Selection for one of the training programs is performance based and is at the discretion of the officer's commanding officer, and is always in consideration of operational need.
 - a. Investigations and Vice Training – the application packet will be submitted to the officer's commanding officer for approval.
 - b. Metro/SWAT/K-9 Bureau – the application packet will be submitted through the officer's commanding officer to the Deputy Chief of Operations for approval.

(3) Training Rotation

- a. Detective (Investigations) Training – the training will span two consecutive work periods. There shall be no vacations or ASL (assigned sick leave) granted during the training period. The commander of the Major Crimes Division will develop the rotation schedule for the training program.
- b. Vice Training – the training will span six consecutive work periods. Participants in the program are limited to using a maximum of one-half their vacation or sick leave during the training period.
- c. Metro/SWAT/K-9 Training – the training will span two consecutive work periods. There shall be no vacations or ASL (assigned sick leave) granted during the training period. The training program schedule will be developed by the commander of the Special Operations Division.

(4) Performance Evaluation

- a. Participation in a training program will be documented as an "Action Plan" in the officer's Performance Evaluation.
- b. Upon completion of any training program the officer's assignment supervisor will solicit feedback from the training supervisor(s) and document the officer's performance in the program.

115.03 Detective, Corporal and Technician Selection

- (1) The position of detective, corporal and technician are appointed positions. These appointed positions are made at the direction of the Chief of Police and shall continue only so long as the Chief of Police deems them necessary to the overall operations of the department. Selection for technician positions in the Executive Security Unit and the Internal Affairs Division are exempt from this selection procedure.
- (2) Minimum eligibility requirements
 - a. Applicants must be the rank of a police officer 1st grade and below the rank of sergeant.
 1. Lateral hires must be a Police Officer 1st Grade and have 36 months of continuous service from the date of their graduation from the police academy in order to be eligible.
 - b. Discipline History Assessment: Applicants will be ineligible for an appointed position based on the same criteria used in the most recent Civil Service promotional process. Automatic disqualifiers can be accessed at www.denvergov.org/civilservice/
 - c. Additional requirements may apply. See OMS 115.02(6)
- (3) When it has been determined that an appointed position will need to be filled, the commanding officer of the division, or his/her designee, will announce the vacancy and application requirements in the Daily Bulletin for at least two weeks prior to the application deadline. The commanding officer of the division, or his/her designee, will cause the vacancy announcement to be posted in a prominent area, if one is available, within the confines of the division. If the announcement is to initiate the process to compile a roster of eligible candidates for future appointment, the announcement should include that information. Division commanders will incorporate candidate interviews as part of the selection process.
- (4) Candidate application packet
 - a. Minimum requirements.
 1. Cover letter (one page maximum) and personal resume (two page maximum).
 2. Previous five year sustained complaint report, obtained from Internal Affairs Division.
 3. Supervisor's Situational Records and/or Performance Evaluation Reports for the last three years.
- (5) Official Notification
 - a. At the completion of the interview process, candidates will be notified by the commanding officer of the division, or his/her designee, of the results which are that the candidate was acceptable or not acceptable for the position or to be placed on a candidate eligibility roster.
 1. If the interview process was to compile a roster of eligible candidates for future appointment, the eligibility list will be posted with the candidates listed alphabetically.

- a. The eligible roster must include an expiration date (one year minimum).
- 2. Commanders may extend the eligible roster, with approval of a deputy chief, for a maximum of two years from the completion date of the original interviews.
- (6) Commanders of the Major Crimes Division, Investigative Support Division, Special Operations Division and District Divisions may establish selection standards for detective training and final appointment within their divisions.
- (7) Officers assigned to an appointed position will remain in their assignments as long as their performance is satisfactory to the Chief of Police.

115.04 Sergeant Assignment Selection Process

- (1) Sergeant vacancies within the following divisions will be announced and posted for a minimum of two weeks in the Current Events Bulletin (found on the DPD intranet):
 - a. Airport Police Division
 - b. Investigative Support Division
 - c. Major Crimes Division
 - d. Operations Support Division
 - e. Patrol Division – Investigations
 - f. Special Operations Division
- (2) The bulletin announcement will contain the following information:
 - a. request for a letter of interest for the vacant position
 - b. the name of the commander or designee to address and forward the letter of interest
 - c. the deadline date to submit the letter of interest and any other required documents
 - d. additional requirements, if any, specific to the assignment
 - e. the commander or designee will initiate contact with the sergeant(s) if further information is required
- (3) Sergeant assignments in the patrol districts will continue to be handled by the requesting sergeant submitting a Request for Transfer of Assignment (DPD 49), through the appropriate chain of command.
- (4) Selection for sergeant vacancies in the Executive Security Unit and the Internal Affairs Division are exempt from this procedure.

115.05 Issuing Directives

- (1) Directives
 - a. Directives will be used to provide written accountability for important orders issued at the department, division, district, bureau, section, and unit levels when the policy addressed does not warrant incorporation into the Operations Manual.
 - b. Directives will be issued on the appropriate department form from the level initiating to the level of execution, and will be forwarded to the next higher level of command. The department forms to be used are:
 - 1. Department Directive, DPD 200a.
 - 2. Division Directive, DPD 200b.
 - 3. District/Bureau Directive, DPD 200c.
 - 4. Detail/Section Directive, DPD 200d.
 - 5. Sector/Unit Directive, DPD 200e.
 - c. When a directive is issued, it will be assigned a subject name and number. The number will be determined by the year and sequence issued. For example, 84-1, 84-2, etc.
 - d. All initiators and affected divisions, districts, bureaus, details, sections, sectors and units will maintain a directive file.
 - e. The directive file will be made available to all affected personnel.
 - f. Directives will be reviewed annually for updating and/or purging by the initiator.

116.00 - MISCELLANEOUS PROCEDURES

116.01 Recreational Activity Policy

- (1) In the interest of departmental efficiency, all officers are required to keep themselves in good physical condition. Insofar as the department has no established program of physical training the following policy shall be established to encourage the personnel of this department to engage in recreational activities.
- (2) All recreational activity shall be on a voluntary basis.
- (3) Athletic teams and sports programs may be arranged. Department personnel are encouraged to participate in some form of recreational activity.
 - a. In so far as possible, officers will attempt to arrange their work schedule in order to participate in recreational activity during off-duty hours.
 - b. At the discretion of the commanding officer, an officer may be relieved from duty to participate in an authorized program. Time used in this manner will be returned to the department on the same work day in Telestaff.
- (4) Athletic teams performing under the name of the Denver Police Department must have the approval of the Chief of Police.
- (5) Officers participating on an approved athletic team or other group of recreational activity under the name of the Denver Police Department shall be considered on duty and subject to the rulings and discipline of the Chief of Police or other officers delegated to act as coaches or managers.
- (6) Officers participating on athletic teams or in other group recreational activity under the name of the Denver Police Department shall conduct themselves appropriately at all times in the interest of good sportsmanship and the best possible public relations.
- (7) Only athletic teams or other group recreational activity sponsored by the City and County of Denver, the Police Department, and employee organizations shall be considered for approval of the Chief of Police.
- (8) The procedures concerning injuries incurred while participating in athletic events are outlined in OMS 505.10(6).

116.02 Persons Riding in Department Vehicles – Authorization Required (Revised 05-2011)

- (1) No individual, other than a Denver Police Department employee, a Denver Police Reserve Officer or other Denver County Peace Officer may ride in a Denver Police vehicle without prior authorization.
- (2) Exceptions to this procedure are:
 - a. Persons transported in the course of a police action or official police department business.
 1. When the person(s) being transported is female, the dispatcher will be notified of the vehicle unit number, starting mileage, and destination. Upon arrival, the officer will give his/her ending mileage.
 - b. Persons transported upon orders of supervisory or command officers.
- (3) Members of other law enforcement agencies may be issued permits to ride in a police vehicle at the district/bureau level.
- (4) Any other rider must obtain prior approval from the Chief of Police or the Deputy Chief of the affected division. Deputy Chiefs may delegate this authority to their district or bureau commanders.
 - a. Members of the Denver Public Safety Cadet Program may ride in police vehicles when authorized in accordance with the policies of the Public Safety Cadet Program, which have been approved by the Chief of Police.
 - b. Members of the Denver Police Explorer Program may ride in police vehicles when authorized in accordance with the policies of the Denver Police Explorer Program, which have been approved by the Chief of Police.

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- (5) Requests for authorization shall be submitted on the Authorization to Ride in Denver Police Car, DPD 8. All persons applying to ride in a Denver Police vehicle will be cleared and undergo a criminal history background evaluation. All applicants will need to be free of adverse or serious criminal history information. Individuals possessing a felony conviction will be denied authorization. Commanders shall ensure that the form has been properly completed and that the rider has complied with all conditions of the ride authorization prior to commencement of the ride.
- (6) Authorization shall not be granted to individuals more than once each calendar year, nor to persons under the age of twenty-one (21), unless approved in advance by the respective Deputy Chief.
 - a. This provision does not apply to members of other law enforcement agencies.
 - b. Citizen Academy graduates, who are in good standing with the department, may ride twice a year.
- (7) Original ride permits shall be maintained on file at the district or bureau level for three years. The copy is to be provided to the rider.
- (8) Where statements from witnesses are appropriate, officers shall ensure that riders provide such statements.
- (9) At the beginning of their shift, officers shall notify the dispatcher of an authorized rider and this information shall be recorded on the CAD System. Officers shall record all pertinent information regarding riders on their log sheets.
- (10) No photos or recordings by riders shall be permitted unless approved by a Deputy Chief.
- (11) All ride authorizations for representatives of the media shall require prior approval from the appropriate Deputy Chief.
- (12) All ride authorizations for Metro/SWAT, Canine, or Gang Bureau shall require prior approval from the Deputy Chief of Operations.

116.03 Reimbursement of Tuition Expenses for Attending College

- (1) All City employees attending college may seek a partial reimbursement of tuition through the City and County of Denver Employees' Tuition Refund Program
 - a. Application forms are available at Headquarters in the Human Resource Management Bureau.
 - b. Application for eligibility must be made no later than fifteen (15) days after the course begins.
 - c. Application for reimbursement must be made within sixty (60) days after completion of each course.
- (2) To encourage officers of this Department to avail themselves of formal education, supervisors and command officers are instructed to adjust shift assignments on a seniority basis for officers who enroll in college. These shift assignment adjustments are to be made as equitable as possible with the needs of the police service taken into consideration.

116.04 Educational Records

- (1) Officers attending schools and seminars at their own expense and time, should route to the Academy, through their commanding officer, the information indicated below. This not only provides a record for the individual officer, but is also utilized by the Department on occasion to determine expertise in a given area.
 - a. Date(s), location, and type of program, i.e., Police Administration at Metropolitan State College, September 10, 1968, through December 29, 1968, sixty (60) hours.
 - b. A certificate or statement confirming attendance shall be submitted with this information.
- (2) Department Approved Training

All officers attending Department sponsored outside schools, placed on special assignment, or excused from duty to attend approved police training schools, shall forward the following information through their chain of command to the Chief of Police:

 - a. The relevancy of the program in terms of officer's present or future assignments.
 - b. A synopsis of the curriculum including testing procedures, work needed to complete the course, i.e. final exam, thesis, dissertation, etc.

- c. Personal critique of the course, including recommendations on improving present policies and procedures of the Denver Police Department shall be submitted within thirty (30) days after completion of the course.
- d. Any materials received will be submitted to the Data Analysis Unit, whose personnel will review, and if relevant, make copies for use by the Department.
- e. A certificate or statement confirming attendance shall be submitted with the above information. A copy must also be forwarded to the Training Bureau.

116.05 Impartial Attitude of Officers in Police Matters

- (1) In the performance of all phases of police work, a positive, impartial attitude must be displayed. Personal interest in cases should not be indicated other than that necessary to successfully carry out the "Police Mission." Impartial attitudes are of special importance in the following matters:
 - a. Court appearances, verdicts, and procedures.
 - b. Labor-management disputes.
 - c. Neighborhood disturbances.
 - d. Racial problems.
 - e. Accident investigations.
- (2) Courtesy
Officers shall at all times be courteous and civil to the public and to one another. They shall be orderly, attentive, respectful, and shall exercise patience and discretion in the performance of their duties.

116.06 Officers' Responsibilities in Giving First Aid

- (1) Officers should exercise proper care and attention when rendering emergency assistance by the use of compressed bandages and tourniquets.
- (2) Officers should obtain competent medical assistance for injured persons without unnecessary delay.
- (3) Unless an officer is thoroughly trained in the use of a tourniquet, he/she should refrain from applying same.
- (4) Officers rendering emergency assistance should use care not to aggravate the injury.
- (5) Arresting officers, upon taking a person into custody, have the duty to exercise reasonable care for the prisoner's health and safety.

116.07 Display of Official Respect and Saluting Requirements

- (1) **Saluting at a Parade:** A uniformed officer at a parade wearing a uniform hat shall stand at attention, face toward the massed National Colors at the head of the parade and render a proper hand salute as they pass. Officers in attendance not wearing a uniform hat will stand at attention facing the colors and place their right hand over their heart. Other groups of colors that follow may be saluted if the officer's immediate attention to duty is not necessary.
- (2) **Saluting during Flag Ceremonies:** During flag ceremonies when the National Colors are hoisted or lowered, carried into any building, room or other place when they are present, officers in uniform, including uniform hat, will stand at attention facing the flag and render the prescribed hand salute. Officers in uniform, but not wearing a uniform hat, will stand at attention facing the flag and place their right hand over their heart. Those officers in civilian clothing will stand at attention, face the flag, remove their hats and place their right hand over their heart.
- (3) **Saluting during playing of the National Anthem:** Whenever the National Anthem is played, all officers present will stand at attention and face the flag or music. Uniformed members wearing a uniform hat will salute the flag or music with the prescribed hand salute. Uniformed officers not wearing a uniform hat will place their right hand over their heart. Officers wearing civilian clothes will remove their hats and place their right hand over their heart.
- (4) **Funeral Processions:** When duty requirements permit, an employee who is on a fixed post at an intersection through which a funeral procession passes shall stand at attention facing the procession. This position should be maintained until at least the hearse and the portion of the procession that contains the immediate family have passed.

- (5) The above rules shall be waived in circumstances requiring immediate police action or in those cases where the life of the officer or other persons might be endangered.

116.08 Address and Telephone Number

- (1) Each member of the department shall have a telephone at his/her place of residence.
- (2) Members shall submit a report of their current residential address to Safety Human Resources and to their commanding officers. Addresses must be regular street addresses: Post Office Box and Route Numbers are not acceptable. Addresses cannot be changed in TeleStaff. Human Resources must be notified, so each member's address is correct within the payroll system.
- (3) All telephone and/or address changes shall be reported by each member within twenty-four (24) hours to their commanding officer. Officers must also change their telephone number(s) in TeleStaff and report any address changes to Safety Human Resources within 24-hours.
 - a. **Changing and/or Adding Telephone Numbers in TeleStaff**
In order to ensure uniformity of contact information in TeleStaff, all police department members will follow the below protocol when making entries in TeleStaff:
 - 1st contact **Work** assignment **Desk** number
 - 2nd contact **Work** assignment **Cellular** number
 - 3rd contact **Personal Cellular** number
 - 4th contact **Home** telephone number
 - b. Officer Lookup will display only the 1st and 2nd contacts. Personal phone numbers entered in the 3rd and 4th contacts will only be viewed in TeleStaff by approved personnel of sergeant rank or higher.
 - c. All officers are required, by policy, to have an off-duty contact phone number in case of emergencies. If an officer does not have a department assigned cell phone, the officer is required to provide at least one personal contact phone number.
 - d. CSA employees shall follow the policy set by their commander or director, and at a minimum, will enter their work assignment desk phone and work assignment cellular phone numbers.
- (4) Officer's Colorado Driver's License and Colorado Motor Vehicle Registration(s) shall state the member's current residential address or Post Office Box in his/her municipality or county of residence. This is a Department of Motor Vehicle prerequisite required by the Colorado Revised Statutes.

116.09 Personnel Emergency and Medical Data (Revised 03/2013)

- (1) A Personnel Emergency Information File, DPD 94, is available through Safety Human Resources. It shall be the responsibility of all police officers and CSA employees to ensure that their emergency contact information files are complete and accurate at all times.
- (2) Any emergency contact information changes shall be reported on a new Personnel Emergency Information File, DPD 94, or updated online via the DOT PeopleSoft portal within seventy-two (72) hours.
- (3) The information contained on the Personnel Emergency Information File, DPD 94, will be computerized by Safety Human Resources and made available for use by command and supervisory personnel.
- (4) It is also the responsibility of each officer to notify the Safety Human Resources of any changes pertaining to marital or family status which would affect their medical benefits. This notification shall be made within thirty (30) days of such event.

116.10 Incurring Expense in Connection with Official Duties

- (1) Officers who necessarily incur expense in connection with their official duties and for which the department is responsible, shall promptly submit to the commanding officer under whose immediate direction the expense was incurred, an itemized account of such expenditure together with all required receipt(s).

- (2) No petty cash purchases will be made without first receiving authorization from the Police Department Financial Services Bureau. Requests for petty cash will be made in writing on the Request for Service or Supplies, DPD 201, and submitted to the Financial Services Bureau. A request must specify the item to be purchased, the cost and justification, i.e., why the department should be responsible for the purchase. The responsibility for compliance rests with the commanding officer of the bureau, detail, or unit making the request for a petty cash purchase.

116.11 Training and Testing

- (1) Continuing Education Program: The Continuing Education Program (CEP) is designed to meet the training needs of the Denver Police Department as a whole, and the individual officers who comprise the department. The Academy CEP Coordinator develops and selects training based upon identified needs or desires expressed by the Chief of Police or his/her designee, requests from Bureau/District commanders for specialized training, as well as feedback from individual officers. The variety of courses offered allow officers the freedom to select training that meets their professional needs, enhances their careers, and satisfies personal interests.
- a. Each officer is required to complete a minimum of sixteen (16) hours of Continuing Education per calendar year; however, additional hours may be required for specific positions at the discretion of the Chief of Police.
- Officers holding the rank of Corporal must complete a minimum of sixteen (16) hours of CEP credit per calendar year. Of these sixteen (16) hours a minimum of eight (8) hours must be designated "Supervisory/Management" training.
- Officers holding the rank of Sergeant must complete a minimum of twenty-four (24) hours of CEP credit per calendar year. Of these twenty-four (24) hours a minimum of eight (8) hours must be designated "Supervisory/Management" training.
- These requirements may be met in two (2) ways:
1. An officer may attend training offered through the Continuing Education Program.
 2. An officer may attend job-related training outside of the Continuing Education Program. See OMS 116.11(1)b.3.
- b. Procedures
1. Registration – Officers must register for all courses electronically utilizing the CEP web-based application. Selecting "Register for this Course" on the course description window will instantly register the officer in the course. Officers are required to attend all courses in which they are listed as "Registered" or "Approved," unless: they cancel per policy; they are cancelled or denied by their unit coordinator; or, they are cancelled or denied by the CEP Program Administrator.
 - a. When registered, officers shall receive instant confirmation of their registration from the web-based application; additionally, they will receive a confirmation via e-mail, and their personal profile will reflect registration in the course.
 - b. Upon registration, the Unit CEP coordinator will receive an e-mail notification; the coordinator may then electronically approve or deny the registration. If the registration is denied, officers will be notified electronically of the denial and reason for that denial.
 - c. Officers may review their entire CEP history and registration status of any future courses twenty-four (24) hours a day from any computer with internet access.
 2. Cancellation – Officers, who are unable to attend CEP training for which they have registered or approved, shall follow established cancellation procedures.
 - a. Officers may cancel themselves from any course utilizing the CEP web application seven or more days prior to the start of the course. This is accomplished by changing the course status from "Registered" or "Approved" to "Cancelled by Student" and entering a reason for cancellation. Officers must click "Apply Changes" to complete the transaction.
 - b. In the event of an emergency arising within seven days of the starting date of the course, the officer must notify the unit CEP coordinator of the need to cancel. The CEP coordinator may cancel the course electronically. The officer will receive an e-mail notification of the cancellation.

- c. In the event of an emergency cancellation required the day of the course, the officer or the officer's supervisor must contact the Academy CEP Administrator in order to excuse the officer's absence from the course.
 - d. In the event an officer's supervisor cancels the officer's attendance at a CEP course due to staffing restrictions, it shall be the supervisor's responsibility to ensure that proper cancellation procedures are followed.
 - 3. Waivers – Officers may receive credit toward their sixteen-hour requirement for job-related training attended outside of the Continuing Education Program. The current Continuing Education Program web based application outlines criteria for eligibility of courses for credit toward CEP. Questions about a particular course's eligibility can be referred to the Academy CEP Coordinator.
 - a. Officers shall complete a Waiver Form and attach a copy of the course outline and certificate of completion or other proof of attendance. The form shall be sent to the Academy CEP Coordinator upon completion of the course. If approved, the training shall be given a course number and the hours of training shall be credited to the officer's CEP record. The form will then be returned to the officer.
- c. Minimum disciplinary guidelines for failure to comply with established procedures or hourly requirements shall be as follows:
 - 1. Failure to follow established registration and cancellation procedures shall result, at a minimum, in an oral admonishment/SSR Entry.
 - 2. Unexcused failure to attend a registered course shall result in one of the following:
 - a. First violation shall result in a written reprimand.
 - b. Second violation within one (1) year of date of the first violation may result in the fine of eight (8) hours off.
 - c. Subsequent violations within one (1) year of the date of violation may be dealt with more severely.
 - d. An officer who fails to attend a CEP class for which he/she has registered and also neglects to report for their regularly scheduled duty assignment, will be considered Absent Without Leave and may be found in violation of OMS RR-1101.
 - 3. Failure to complete the sixteen-hour requirement or mandatory training as designated by the Chief of Police may result in one of the following:
 - a. First violation shall result in the fine of eight (8) hours.
 - b. Second violation in subsequent calendar years shall result in a fine of twenty-four (24) hours.
 - c. Subsequent violations may be dealt with more severely.

(2) Specialized Training

- a. Training which assists with the development of knowledge and skills particular to a specialized assignment is required and will be provided for the following positions:
 - 1. Management and supervisory positions.
 - 2. Investigative and training positions.
 - 3. Technical positions such as Bomb Unit, Crime Laboratory, Polygraph Unit, and Tactical Operations.
- b. Such training shall begin as soon as practical after an officer's assignment to such a position. Training will be obtained from sources approved by the Chief of Police or his/her designee.

(3) Advanced Training

- a. Requests to attend advanced law enforcement training courses will be directed to the Chief of Police through the chain of command. An officer may be allowed to attend based on the following criteria:
 - 1. The requesting officer's demonstrated ability in the field to which the training applies.
 - 2. The potential for personal and professional growth resulting from attendance.
 - 3. Departmental needs, which would be met.

4. The requesting officer agrees to train others when requested, in the subject of the advanced training received.
- b. Post-training assignment of the officer may be based on the optimal utilization of new skills and knowledge.
- (4) Roll Call Training
 - a. Roll call training will be provided to keep officers informed between formal training sessions.
 - b. Bureau or unit commanders will require accurate records that reflect the nature of the training, the instructor, and the officers attending.
- (5) Remedial Training
 - a. The need for remedial training will be determined as follows:
 1. A Division Chief of his/her designee may make the determination.
 2. Internal Affairs may make a recommendation to the Chief of Police.
 3. Remedial training for recruit or probationary officers may be immediately administered by the Academy personnel, Field Training Officers, or the supervisor or commander of the probationary officer.
 - b. Participation in remedial training will be mandatory.
- (6) Extended Training
 - a. The general policy shall be that officers of the Denver Police Department shall be allowed to attend only one extended school or training program (more than four (4) weeks in length) during their careers. This limit has the following exceptions:
 1. Specialized training (hazardous devised, polygraph, chemist, etc.).
 2. Training taken during leaves of absence.
 3. Specific approval from the Chief of Police
 - b. The Section Board for Extended Training, composed of four command officers appointed by the Chief of Police, will screen and approve all applicants for attendance at any extended school or training program.
 - c. All applications for extended schools or training programs will be forwarded, via the chain of command, to the Commander of the Academy four (4) months prior to the beginning date of the anticipated course.
 - d. The Board will consider the following criteria in making selections:
 1. Length of service with the Denver Police Department
 2. Civil Service rank of applicant
 3. Personal evaluation reports and departmental records of applicant
 4. The benefit to be derived to the Denver Police Department by the applicant's attendance at the extended training
 5. The applicant's demonstrated ability
- (7) Arrest Control Quarterly Review

In an attempt to maintain the quality of Arrest Control Techniques skills, all members of the Classified Service are required to participate in the Denver Police Department Arrest Control Techniques Review Program. This program consists of a quarterly review and proficiency test of certain Denver A.C.T. Program techniques, as defined by the Academy and approved by the Chief of Police.

 - a. The D.P.D. Academy senior A.C.T. instructor will take the lead regarding the selection of the specific subject matter to be tested.
 - b. Each Division will select specific Divisional A.C.T. Instructors who will service in the capacity of Divisional A.C.T. Coordinators. For those members of the Classified Service, who do not ordinarily report to a Deputy Chief, will be assigned to one of the Divisional Coordinators. The Divisional Coordinators will be responsible for the A.C.T. training activities, to include refresher training, scheduling, attendance records, performance evaluation and all other documentation, which will be forwarded to the Academy with copies placed in the Officer's station file. The Academy will be responsible for maintaining the records, both collectively and individually.

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- c. Divisional Instructors will provide refresher training for each of the selected quarterly techniques prior to individual evaluation. At the conclusion of the review session, all members of the classified service will be required to perform each of the selected techniques at an acceptable level. The A.C.T. Divisional Instructors will complete a Denver A.C.T. Program Techniques Review Sheet on each individual.
- d. Those that are unable to demonstrate proficiency in any technique will, within fourteen (14) days, be provided additional training, then tested again at the Divisional level. Those who cannot perform at an acceptable standard will be referred to the Academy to participate in an eight-hour (8-hour) training day. The referral process will require a letter drafted by the Divisional Coordinator directed to the appropriate Deputy Chief via the chain of command and will include a copy of the completed Denver A.C.T. Program Techniques Review Sheet. Upon approval, the requests for the Academy training will be forwarded to the Commander of Administrative Management Division who will, after review, provide notification to the Academy. Attendance at the Academy A.C.T. training is mandatory. In the event an individual cannot perform the required arrest control technique at the conclusion of the eight-hour (8-hour) Academy training session, the appropriate Deputy Chief will be notified in writing by the Academy. The Deputy Chief will determine the appropriate course of action.
- e. The Police Academy will, at a minimum, provide two (2) instructor Certification courses per calendar year. Notification of these classes will be via the Continuing Education Catalog. Attendance will require approval of the attendees' commanding officer.

116.12 Responsibility to Stranded Persons

- (1) It is the policy of the Denver Police Department to offer assistance to persons who become stranded, whether because of vehicular problems, law enforcement intervention or other circumstances beyond their immediate control, and when there are no other means of transportation or assistance available.
- (2) Cab Voucher Program
 - a. A supervisor shall determine the merits of all cab voucher requests and must grant approval prior to transport. Approval shall be based on the following factors:
 - 1. The subject is stranded at a place and time where personal safety may be jeopardized.
 - 2. The subject is stranded as a result of a law enforcement action.
 - 3. As a result of circumstances beyond the control of the subject, no other means of transportation or assistance is available to the subject.
 - 4. The subject's destination is significant in distance (in excess of twenty (20) minutes), which warrants transport by cab, rather than by officer.
 - 5. There is a legitimate and compelling need, i.e., victims of domestic violence, subjects involved in traffic accidents, etc.
 - b. Upon approval, these procedures are to be followed:
 - 1. The officer will transport the subject to the district station where the supervisor or the clerk will complete the Cab Voucher Log and provide a sequentially numbered voucher to the cab driver. (The pink copy of the vouchers must be placed on the Voucher Log.)
 - 2. The vouchers and log must be kept in a secured area.
- (3) If a citizen refused transportation, the officer shall document the fact on the log sheets.

116.13 Requests for Photos

- (1) No photo will be used where the subject's picture appears in the Daily Bulletin except to detectives filing a case or having the subject under investigation.
- (2) No more than one photo will be issued to an officer except when they have more than one suspect under immediate investigation.
- (3) All requests for photos must reflect the case number or the location of offense and reason photo is needed on the Search of Records Application, DPD 241.
- (4) Any requests for photos in conflict with this procedure must be approved in writing by the requester's commanding officer and the Commander of Administrative Management.

116.14 Confidentiality of Citizen's Identity

- (1) It is the policy of the Denver Police Department that all employees make a conscious effort to recognize and honor our citizens' confidentiality interests. Denver 911 should inquire, when practical, if the complainants would like direct contact by the officer responding to their calls. Responding officers should make every reasonable effort to honor the citizen's request for confidentiality. In some situations disclosure of citizen identity, and/or citizen contact is necessary, regardless of the individual wishes of the citizen.
- (2) All employees will process requests for information and reports through the appropriate channels. Identity of citizens will only be disclosed in compliance with the Colorado Public (Open) Records Act, or when required through Court process.

116.15 Use of Department Telephones

- (1) All incoming calls will be answered promptly by stating the appropriate unit with the officer's rank and name. CSA personnel shall answer telephone with appropriate unit and name.
- (2) Members of this Department shall be courteous and helpful when answering the telephone.
- (3) Calls shall be transferred promptly.
- (4) Long distance toll calls:
 - a. Authorizations from a command or supervisory officer shall be obtained to make any long distance toll call charged to the Police Department.
 - b. A long distance authorization code must be obtained from the Facility Maintenance Liaison in the Administrative Management Division.
- (5) If a personal long distance call is made or a collect call is received, and the charges are being placed on the Police Department bill, notification must be forwarded to the Administrative Management Division giving the date/time, phone number called, person making or accepting the call.
- (6) The **Facility Maintenance Liaison** of the Administrative Management Division is the liaison between **ITD/Communications** and the Police Department.
- (7) Any request for additional telephone(s) or, a change in service or location of phones is to be sent through the Chain of Command to the Administrative Management Division on the Request for Service and Supplies, DPD 201.
- (8) Use of Cellular Telephones
 - a. Officers are encouraged to utilize departmental cellular telephones in providing service to the community, i.e., calling complainants for the purpose of obtaining additional descriptions, direction of travel, or any other information, which would promote the police purpose.
 - b. Prior authorization must be obtained from a command or supervisory officer for all long distance calls that are to be charged to the Police Department.
 - c. Prior to going off-shift the Long Distance Call Record, DPD 22, must be completed and sent to the office of the Administrative Management Division for each long distance call made at the expense of the Police Department.
 - d. Whenever and wherever practical, lengthy calls should be made from land lines and not cellular telephones.
 - e. If at all possible, the Nextel Direct connect feature should be utilized when calling car to car.
 - f. Officers, assigned a Nextel cell phone for their exclusive use, are permitted to make personal calls and reimburse the City at a rate of \$.06 per minute. Officers, assigned a Verizon cell phone for their exclusive use, are permitted to make personal calls and reimburse the City at the rate assessed on the monthly bill.
 1. Any officer using the Nextel 411 System for personal information will be assessed a \$1.40 service charge per call, plus airtime at the rate of \$.06 per minute. Officers using the Nextel call-forwarding feature will be charged \$.20 per minute. These features are not factored into the basic plan and must be paid for by the caller.
 2. Officers who use a Nextel phone in a shared-use assignment, (phones not assigned to a specific officer), are not permitted to make personal calls, except in extreme emergencies. The officer shall make a written notification on the Daily Activity Log of cellular calls that are not related to Police Department business.

This information shall include the number called and the person called. Incoming calls not related to Police Department business shall also be logged, noting the name of the person calling.

3. Officers must reimburse the City for all personal calls placed and incoming personal calls received. The officer must review the bill, highlight personal calls, compute the total, and review the bill with a supervisor. Once approved by a supervisor, the officer and supervisor will sign and date. The officer must then submit the phone bill, along with a check for the appropriate amount made payable to the Manager of Revenue, through the Chain of Command to the Deputy Chief.
4. Unless written approval of a Deputy Chief is obtained in advance, officers are prohibited from making telephone calls to chat lines, dating services, or 1-900 services. Employees may be disciplined by the Department for any conduct that is prohibited by or otherwise in violation of this policy.
- g. The Long Distance Call Records, DPD 22, will be completed for each personal call (both incoming and outgoing), and attached to the log sheet or submitted to the next level of command. Those reports shall be filed chronologically by telephone number at the officer's command for reconciliation with the bill.
- h. Sergeants shall review all log entries and take immediate steps to ensure that cellular telephones are being used in accordance with this procedure.

116.16 Handling Barricaded Suspects and Hostage Situations

- (1) The primary objective in a barricaded suspect or hostage incident is the preservation of life. All actions taken should be aimed at reducing the likelihood of further violence. Whenever possible, such situations shall be handled in the following manner:
 - a. The first officer on the scene should select an approach that will ensure his/her own safety. He/she should then attempt to isolate, contain, and evaluate the situation, provide an initial report to the dispatcher, and request additional resources as needed.
 - b. The first officer on the scene will verify a barricaded suspect or hostage situation, based on the following check list:
 1. The suspect has committed or is reasonably suspected of having committed a criminal act.
 2. There is a good reason to believe the suspect is armed.
 3. The suspect poses a potential threat to the lives of others.
 4. The suspect is secreted in a position of advantage.
 5. The suspect has refused to submit to arrest or has refused to respond to attempts at contact.
 - c. If such a situation does exist, he/she will notify his/her immediate supervisor and the dispatcher, without delay.
 - d. The dispatcher will notify:
 1. The personnel responsible for handling barricade and/or hostage incidents.
 - a. The ranking on-duty or on call supervisor/command officer of the affected District.
 - b. The commanding officer of the METRO/SWAT Bureau or his/her designee.
 - c. The commanding officer of the Major Crimes Division.
 - d. The on-call Public Information Officer to handle media inquiries.
 2. The Communications Center supervisor, who will make any other necessary notifications.
- (2) Primary responsibilities of the first officers at the scene.
 - a. Contain the suspect via inner and outer perimeters.
 - b. Attempt to establish communication with the suspect and determine the nature of the problem. Officers should avoid bargaining with or making any concession to the suspect.
 - c. Commence evacuation of affected area.

- (3) The ranking command officer from the affected patrol district will take immediate command of the incident scene until relieved of this responsibility by the Deputy Chief of Operations who will designate the Situation Commander. The Command Officer/Situation Commander's responsibilities include:
 - a. Assuming total command of the police personnel at the scene.
 - b. Making any necessary notification to off-duty command personnel in the affected district.
 - c. Establishing a command post with as many of the following site characteristics as possible:
 1. Close proximity to the scene, but out of visual contact.
 2. Sufficient area for officers to assemble.
 3. Safe avenues of entry and exit.
 4. Upwind from the suspect.
 - d. Isolating the scene through a controlled outer perimeter.
 1. Traffic should be directed away from the scene.
 2. Citizens in the danger area should be evacuated.
 - e. Notifying the dispatcher of the location of the Command Post and of the need for the Fire Department, ambulance, or helicopter to respond to the scene or be placed on standby.
 - f. Notify the P.I.O. and establish a media briefing area at a location separate from the Command Post. This area must be out of sight of the tactical operations area to avoid unintentional release of operational plans to the suspect.
 - g. Requesting a clear channel from the dispatcher, if appropriate.
 - h. Requesting the assistance of Departmental Hostage Negotiators, if needed.
 - i. Establishing and maintaining communications between the Command Post, the hostage negotiators and the METRO/SWAT Bureau.
 - j. Having the final authority to order capitulation to the suspect's demands or invoke a tactical response.
 - k. Once the Situation Commander has decided that a tactical response is the most appropriate action, he will relinquish command to the commander of the METRO/SWAT Bureau. The METRO/SWAT Bureau commander will advise the situation commander of tactical progress and activity.
- (4) Support assignments during the tactical operations phase.
 - a. It will be the responsibility of the commanding officer of the METRO/SWAT Bureau to:
 1. Evaluate METRO/SWAT personnel requirements and arrange for their response, including planning and deployment of officers for immediate resolution of the situation.
 2. Position and prepare sniper/observers, arrest, and entry teams.
 3. Establish an inner perimeter, staffed as much as possible with METRO/SWAT officers, for the purpose of excluding unauthorized personnel (including unauthorized police personnel). The Situation Commander will make the final determination regarding personnel to be allowed inside the inner perimeter.
 - b. The commanding officer of the Major Crimes Division, or his/her designee, will provide staff and equipment with which to conduct negotiations, gather intelligence information on suspects, and investigate and photograph the crime scene.
- (5) The Commander of the Major Crimes Division or his/her designee will assume the position as the Situation Commander when requested to do so by the Deputy Chief of Operations, or his/her designee, for the purpose of providing for the crime scene investigation, including the filing of any subsequent criminal charges.
- (6) General guidelines for consideration during a hostage/barricade situation:
 - a. A calm and controlled atmosphere is the best ally of the police. Delay tactics should be used whenever possible to facilitate proper planning and response.
 - b. Hostages are best protected when not moved from the presence of police.
 - c. Police officers shall not surrender themselves as substitutes for any hostage.
 - d. If, at any time, the suspect begins to injure or kill the hostages, immediate action should be taken to neutralize the situation, if the situation permits.

- e. Experience has shown that officers who surrender their weapons for any reason increase the danger to all concerned, particularly themselves.

116.17 Policing Auraria Campus (Revised 03/2013)

(1) Auraria Department of Police and Security Authority

- a. Under CRS state institutions are authorized to employ police officers to perform police and administrative functions as may be deemed necessary.
- b. These officers hold a classification as "Peace Officer" pursuant to CRS §16-2.5-148 and are certified by the P.O.S.T. board.
- c. The City and County of Denver has granted Auraria Police Officers "Special Police" powers to enforce parking and motor vehicles codes within the campus proper.

(2) Jurisdiction

- a. Auraria Department of Police and Security is the primary law enforcement agency for the Education Center.
- b. The Auraria Higher Education Center campus consists of 180 acres, and lies north of Colfax Avenue, south of Auraria Parkway, west of South Speer Boulevard, and east of Fifth Street.
- c. The Denver Police Department is the primary law enforcement agency regarding all off-campus leased properties. Auraria Police will provide crime prevention or other non-enforcement services to these tenants. Auraria officers may respond to contain an emergency or assist DPD at their request.

(3) Offenses

- a. Auraria Department of Police and Security enforces all federal laws, state statutes and some limited Denver Revised Municipal Code (D.R.M.C.) ordinances; however, the Denver Police Department has the ultimate responsibility for prosecution of offenses occurring on or about the Auraria campus.
- b. In situations occurring on the Auraria campus which are likely to result in felony prosecution, officers from the Auraria Department of Police and Security shall begin preliminary investigation and take those steps necessary to preserve any crime scene, and keep witnesses and victims available for further investigation and interview by the Denver Police Department officers and/or detectives. In such cases, Denver Police officers shall complete a General Occurrence (GO) Report, DPD 250, where required.
- c. Auraria officers will complete General Occurrence (GO) Reports in cases involving minor offenses where they are no suspects or physical evidence present. Auraria officers will also complete traffic accident reports when death and/or serious bodily injury are not involved. These reports will be delivered to the Denver Police Department as outlined in subsection 5e.
- d. When making an arrest for violations of city ordinances, Auraria officers shall complete the General Sessions Summons and Complaint (GSS&C), DPD 287, and sign as the complainant. Denver police officers shall ensure the completeness of the summons and complaint, shall sign as the arresting officer, and issue the summons to the violator.
- e. Auraria police will request specialized assistance from the Denver Police Department. These situations may include hostage negotiation, METRO/SWAT, crime scene processing, criminal investigations and DUI car response.
- f. The Denver Police Department has primary reporting and investigative responsibility for all crimes occurring on the Auraria Campus that fall under the jurisdiction of the District Attorney for the second Judicial District and most of the crimes that fall under the jurisdiction of the Denver County Court. This includes, but is not limited to, all felony and State misdemeanor cases, any crime of violence or threatened violence, any crime involving injury or threatened injury, any crime involving the use or threatened use of a weapon, or any crime involving the destruction or threatened destruction of property.

(4) Structure

- a. Auraria Department of Police and Security is a continuously functioning police agency, in operation twenty-four (24) hours a day.

- b. The department has a uniform division consisting of "Peace Officers" as defined in C.R.S. §16-2.5-148 and unarmed state security officers, twenty-four (24) hour dispatch functions with CCIC and NCIC capacity, and a police and security unit assigned to the Tivoli Student Union on a twenty-four (24) hour basis.
- c. The Auraria police building at 1201 5th Street, Denver, CO 80217, serves as headquarters. There is a police satellite station at the Tivoli Student Union, 900 Auraria Parkway, room 228. Officers and civilians can contact the Communication Center by calling (303) 556-5000, and in emergencies on campus by calling 911. The campus 911 phone system operates independent of the DPD system.

(5) Communications

- a. All calls for service within the campus are directed to the Auraria Police dispatcher via the campus wide systems or through telephoning (303) 556-5000 for non-emergency calls.
- b. The Auraria Police dispatcher is in contact with the Denver Police Department via phone and Denver Police radio "Tac-6" and channel 6.
- c. The Auraria Police dispatcher performed NCIC and CCIC clearances.
- d. Auraria Police officers use the Denver Police Department report writing system and forms and are trained in their use. Denver Police officers will countersign these reports as needed.
- e. Police reports are reviewed and approved by Auraria Police supervisors and are delivered to the Denver Police Department on a daily mail run.

116.18 Resources for Police Department Employees and their Families

(1) Police Psychological Service Unit

- a. Any need for emergency contact of the Police Psychologist can be met through the police dispatcher or at the Psychologist's office during normal working hours.
- b. Officers or families (spouses and dependent children) seeking confidential counseling should call the Psychologist's Office and arrange for an appointment. The office phone number is found in the Department telephone directory.
- c. The Psychologist shall be available to all officers and/or families without respect for the chain of command, nor shall any officer be ordered to consult with him by any commanding officer.
- d. The Psychologist will supervise the Denver Police Department Peer Support Project and the volunteers involved in the program.
 - 1. The Peer Support Project provides confidential emergency intervention, assessment, and direction to other available resources, when indicated, in alcohol and related problem areas. The only exception to the rule of confidentiality would be regarding information dealing with criminal activity. Officers serving as Peer Support Advisors are required to report such information to the appropriate authority.
 - 2. Peer Support Project members are volunteers from the Denver Police Department and are trained under the direction of the Police Psychologist.
 - 3. Project members can be contacted through the Police Psychologist's office during normal business hours. After normal business hours, project members can be contacted through their answering service.

(2) Chaplains Unit

- a. The Denver Police Department's Chaplains Unit is an organization of volunteer Clergy, which serve at the pleasure of the Chief of Police. The unit provides spiritual and emotional resources to the Denver Police Department, its officers, and family members. Police Chaplains also help in the overall community policing effort.
- b. By-laws
 - 1. The Chaplains Unit will be guided by and held to the established by-laws of the unit.
 - 2. The Chaplains will be responsible for following the Protocol for the unit.
 - 3. The Chaplains must meet the qualifications and fulfill the duties of the Police Chaplains Unit.

116.19 Funeral and Mourning Procedures for Police Officers on Active Duty at the time of their Death

- (1) The Denver Police Department will provide liaison assistance to the immediate survivors of an officer who dies in the line of duty. This assistance is provided whether the death was unlawful or accidental (i.e., automobile accident, hit by a passing vehicle during a traffic stop, training accident) while the active member was performing a police-related function, either on or off-duty and while he or she was an active member of the Department. The Chief of Police may institute certain parts of this procedure for cases of a member's natural death or serious injury. The Department will also provide a clarification and comprehensive study of survivor benefits as well as emotional support during this traumatic period of readjustment for the surviving family. Funeral arrangements of the deceased member are to be discussed with the family, with their wishes taking precedence over the Department's.
- (2) Coordination of events following the line-of-duty death of a police officer is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the member's survivors and to the law enforcement community. In order to provide the best possible services and support for the member's family, specific tasks may be assigned to selected members of the Department. Their titles are:
 - **NOTIFICATION OFFICER**
 - **HOSPITAL LIAISON OFFICER**
 - **FAMILY LIAISON OFFICER**
 - **DEPARTMENT LIAISON OFFICER**
 - **FUNERAL LIAISON OFFICER**
 - **BENEFITS COORDINATOR**
 - **PUBLIC INFORMATION OFFICER**
- (3) An explanation of each of these responsibilities follows. A member may be called upon to perform more than one role. Officers are encouraged to maintain an up-to-date "Confidential Line-of-Duty Death Information" form in the Human Resource Management Bureau and at their assignment. The form will be updated at the regular performance evaluation session. Commanders are responsible for the distribution of these forms. The information will be of extreme comfort to members' families and the Department in fulfilling the deceased officer's wishes.
- (4) **NOTIFICATION OFFICER – Procedures and Responsibilities**
 - a. The captain of the affected officer(s) shall have the responsibility of insuring proper notification of the next of kin of a member who has suffered severe injuries or died. The Captain will serve as the **NOTIFICATION OFFICER** or designate another to inform the survivors. In the case where an officer has requested someone else for notification, the captain will respond to assist and adhere to the request if the person is immediately available. This information will be found in the officer's "Confidential History" form in his/her personnel file at the assignment.
 - b. **The Department will not release the name of the deceased member before the immediate family is notified.** When appropriate, the **PUBLIC INFORMATION OFFICER (PIO)** will release any and all information regarding the event.
 - c. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be called to the residence at the time of notification.
 - d. The deceased or severely injured member(s) partners should also be afforded the courtesy of a personal notification whenever possible. A second designated **NOTIFICATION OFFICER** will accomplish this.
 - e. Notification will be made in person and never alone. The Chief of Police or his/her designee, police chaplain, close friend, and/or another police survivor could appropriately accompany the **NOTIFICATION OFFICER**. However, if the aforementioned persons are not readily accessible, notification should not be delayed until these people can gather. If there is an opportunity to get to the hospital prior to the demise of the member, do not wait for the delegation to gather. The family should learn of the death from the Department first and not from the press or other sources.

- f. Never make a death notification on the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information you have. If specifics of the incident are known, the **NOTIFICATION OFFICER** should relay as much information as possible to the family. Be sure to use the member's name during the notification. If the member has died, relay that information. Never give the family a false sense of hope. Use words such as "died" and "dead," rather than "gone away" or "passed away." **The NOTIFICATION OFFICER** should be consoling the family, not the other way around.
- g. If the family requests to visit the hospital, they should be transported by police vehicle. It is highly recommended that the family not drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family car.
- h. If young children are at home, the **NOTIFICATION OFFICER** must arrange for immediate babysitting needs. This may involve co-workers' spouses, transportation of children to a relative's home, or similar arrangements.
- i. Prior to departing for the hospital, the **NOTIFICATION OFFICER** should notify the hospital staff and the **HOSPITAL LIAISON** (by telephone if possible) that member(s) of the family are en-route. If immediate survivors live beyond the Denver metropolitan area, the **NOTIFICATION OFFICER** will ensure that the Denver 911 sends a Teletype message to the appropriate jurisdiction requesting a personal notification. The **NOTIFICATION OFFICER** should call the other jurisdiction telephone in addition to the Teletype message. The department's **LIAISON OFFICER** may assist with this duty in the even the **NOTIFICATION OFFICER** is involved in other duties.
- j. The Chief or a high-ranking representative should respond to the residence or the hospital to meet with the family as quickly as possible.
- k. In the event of an on-duty death, the external monitoring of police frequencies may be extensive. **Whenever possible, communications regarding notification should be restricted to the telephone.** If the media has obtained the member's name, they will be advised to withhold the information pending notification of next of kin. All officers should be aware of radio transmissions discussing the event while family members are in the vehicle. When possible, lower the volume so that conversations that may cause further distress are limited.

(5) HOSPITAL LIAISON OFFICER

- a. The Captain of the District in which the event occurs is responsible for confirming a HOSPITAL LIAISON OFFICER is responding. Denver 911 will call officers from a predetermined list. The HOSPITAL LIAISON OFFICER is responsible for coordinating the activities of hospital personnel, the member's family, the press, and others at the hospital. These responsibilities include:
 - 1. Contacting the Attending Physician or the emergency room Charge Nurse and arranging to provide an appropriate waiting facility for the family. The Charge Nurse will introduce the social worker to assist. Obtain the hospital ID card and return it when you leave.
 - 2. Arranging a separate area for fellow police officers to assemble. Ensure that the Police Psychological Services and Peer Support are responding.
 - 3. Establishing a press staging area outside the hospital. This is coordinated with the **PUBLIC INFORMATION OFFICER.**
 - 4. Ensuring that medical personnel relay pertinent information regarding a member's condition to the family on a timely basis before such information is released to others.
 - 5. Assist medical personnel with ongoing issues such as, crowd control, police car parking, etc.
 - 6. Open and staff the entrance, located on Speer Boulevard, nearest the Denver Sheriff's Department office. Officers can enter and exit the hospital through this entrance. Police cars can be stacked (parked) in the lot directly outside this door.
 - 7. Ensure that all police responders deposit their car keys at the Sheriff's office. This will ensure the location of the keys in the event some cars need to be relocated.
 - 8. Request additional traffic control to block off the 600 block of Bannock Street for parking if the need arises. No police cars will be parked at the ambulance dock.

9. Ensure that the family is updated regarding the incident and the member's condition upon their arrival at the hospital.
10. Arranging transportation for the family back to their residence.
- b. **If it is possible for the family to visit the injured member before death, they should be afforded the opportunity.** A medical officer, with the assistance of a police official, will "prepare" the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it. Medical personnel will advise the family of visitation policies and explain the donation process. In the event of death, a police official will explain the necessity of autopsy.
- c. The **NOTIFICATION OFFICER(S)** should remain at the hospital while the family is present.
- d. Do not be overly protective of the family. Do share specific information of how the member met his/her demise, as well as allowing the family time with the deceased member.

(6) FAMILY LIAISON OFFICER

- a. The selection of a **FAMILY LIAISON OFFICER** is a critical assignment. An attempt should be made to assign someone who enjoyed a close relationship with the member and his/her family. When possible, male/female "teams" should be utilized as **FAMILY LIAISON OFFICERS**; thus, preventing bonding between the survivor(s) and member during a vulnerable time in the survivor's life.
- b. This is not a decision-making position, but a "facilitator" between the family and the Department.
- c. Responsibilities of the **FAMILY LIAISON OFFICER** include:
 1. Ensuring that the needs of the family come before the wishes of the Department.
 2. Assisting the family with funeral arrangements and making them aware of what the Department can offer if they decide to have a police funeral. The **FUNERAL LIAISON OFFICER** will assist in the process. If they choose the latter, briefing the family on funeral procedure (i.e., presenting the flag, playing of taps, rifle squad).
 3. Apprising the family of information concerning the death and continuing investigation, after receiving the accurate information from the Major Crimes Division.
 4. Providing as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family travel, food for funeral attendees following the burial, etc.
 5. Notifying Concerns of Police Survivors (C.O.P.S.) at (573) 346-4911. Members are available to provide emotional support to surviving families.
 6. Carrying a cell phone at all times. If the **FAMILY LIAISON OFFICER(S)** does not have a cell phone, they are to contact the Administrative Management Division to obtain one.
 7. Informing the family as to what to expect in relationship to media coverage.
 8. **FAMILY LIAISON OFFICER(S)** should request the assistance of the **DEPARTMENT LIAISON OFFICER** with any of these duties.

(7) DEPARTMENT LIAISON OFFICER

- a. This position is normally assigned to an aide in one of the offices of the senior command staff. The **DEPARTMENT LIAISON OFFICER** will be a commander, i.e., captain, lieutenant, or higher because of the need to effectively coordinate resources throughout the Department.
- b. Responsibilities of the department LIAISON OFFICER include:
 1. Assigning the Family and Funeral Liaison positions, with the approval of the Chief of Police or designee.
 2. Conducting a Daily Briefing for the Chief of Police and senior command staff. The Public Information Officers, the Benefits Coordinator, the Hospital Liaison and Funeral planner will attend and report updates at these briefings.
 3. Working closely with the FAMILY LIAISON OFFICER to ensure that the needs of the family are fulfilled.
 4. Issuing a Teletype message to outside agencies, describing:
 - a. Name of deceased.

- b. Date and time of death
 - c. Circumstances of surrounding the death
 - d. Funeral arrangements (state if service will be private or a police funeral)
 - e. Uniform to be worn
 - f. Expressions of sympathy in lieu of flowers
 - g. Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information
 - 5. Issuing printed messages from the Chief of Police, notifying members of timely information, i.e., policy regarding the wearing of memorial sashes on badges and vehicles, funeral service details.
 - 6. Establishing a command center and telephone line to coordinate information and response to the tragedy. This telephone number will be given to the community, as well as department members.
 - 7. Coordinating the activities of all the specialty officers involved in the event.
 - 8. Arranging for routine residence checks of the survivor's home by the Patrol Division for 6-8 weeks following the funeral. This service is necessary since large amounts of money are passing through the residence and the survivors will be spending time away from home with legal matters.
 - 9. Writing correspondence for the Chief of Police to recognize all that assisted with the event.
- (8) PUBLIC INFORMATION OFFICER
- a. The Public Information Officer will handle the news media throughout the ordeal. If the family decides to accept an interview, a member should attempt to "screen" questions presented to the family so as not to jeopardize subsequent legal proceedings.
 - b. Responsibilities of the Public Information Officer (at the hospital) include:
 - 1. Contacting the hospital PIO to coordinate the initial press releases
 - 2. Obtain and wear the hospital ID card. Return it when you leave
 - 3. Locate and set up Press area outside the hospital
 - 4. Communicate (joint) press releases from the hospital
 - 5. Follow-up with department press releases per the PIO job description
- (9) FUNERAL LIAISON OFFICER
- a. Responsibilities of the FUNERAL LIAISON OFFICER include:
 - 1. Meeting with the following persons to coordinate funeral activities and establish an itinerary:
 - a. Chief of Police and Bureau Commanders (daily briefing)
 - b. Funeral Director
 - c. Family Priest, Minister, or Police Chaplain (when requested)
 - d. Cemetery Director
 - e. Traffic Operations Special Events Director
 - f. Honor Guard, Rifle Team, Bugler, and Bagpipers
 - 2. Directing funeral activities of the Department and visiting police departments according to the wishes of the family.
 - 3. Obtaining an American flag. If the family wishes a flag presentation by the Chief, notify the Chief's Office.
 - 4. Determining if the family desires a burial in uniform and selecting a member to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home.
 - 5. Arranging for the delivery of the member's personal belongings to the family.
 - 6. Updating the Chief and staff concerning all funeral arrangements at the daily briefing.
 - 7. Ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.
 - 8. Arranging for a stand by doctor for the family, if necessary.

9. Coordinating traffic management with the Traffic Operations Bureau for other jurisdictions during the viewing, funeral, and procession, and arranging for a tow truck to be available along the procession route.
10. Assigning a member to remain at the family home during the viewing and funeral.
11. Maintaining a roster of all Departments sending personnel to the funeral, including:
 - a. Name and address of responding agencies
 - b. Name of the Chief of Police
 - c. Number of officers attending the reception after the funeral
 - d. Number of vehicles
12. Assisting in making the necessary accommodation for food, lodging, etc.

(10) **BENEFITS COORDINATOR**

- a. The Director of the Human Resource Management Bureau will function as the **BENEFITS COORDINATOR** and will gather information on benefits/funeral payments available to the family. The **BENEFITS COORDINATOR** has the Department's full support to fulfill this responsibility to the survivors and is completely responsible for filing the appropriate benefit paperwork and following through the family to ensure that these benefits are being received.
- b. The **BENEFITS COORDINATOR** is responsible for:
 1. Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased member are directed to the City's Workers Compensation Unit. The family should not receive any of these bills at their residence. This may required the BENEFITS COORDINATOR to re-contact the hospital during normal business hours to ensure that proper billing takes place.
 2. Filing Worker's Compensation claims and related paperwork.
 3. Contacting the appropriate offices without delay to ensure that the beneficiary receives death and retirement benefits, the member's remaining paychecks and payment for remaining sick leaves and compensatory time.
 4. Gathering information on all benefits/funeral payments, to include the Public Safety Officers' Benefits Act, that are available to the family.
 5. Setting up any special trust funds or educational funds.
 6. Notifying police organizations of the death and ensuring that any and all entitlements are paid to the beneficiary. These agencies may also offer legal and financial counseling to the family at no cost.
 7. Preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contracts at various offices, and when they can expect to receive payment.
 8. Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.
 - a. If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the children may be receiving.
 - b. Attention should be given to the continuation of health care benefits. Many providers allow a thirty-day (30-day) grace period before canceling or imposing monthly payments upon survivors.
 - c. Meeting again with the family periodically to ensure they are receiving benefits.
 9. Immediately prepare a report containing publishable information of any officer killed in the line of duty. This information is to be brought to the hospital as the Coordinator responds. The Public Information Officer will use the report for media releases.
 10. Retrieve the Confidential Line of Duty Death Information form for the officer and delivery it to the **DEPARTMENT LIAISON OFFICER** at the hospital, in the sealed envelope.

(11) CONTINUED SUPPORT FOR THE FAMILY

- a. Members of the Department must remain sensitive to the needs of the survivors long after the member's death. The grief process has no timetable. More than half of the surviving spouses can be expected to develop a post traumatic stress reaction to the tragedy.
- b. Survivors should continue to feel a part of the "police family." They should be invited to Department activities to ensure continued contact.
- c. Members of the Department are encouraged to keep in touch with the family. Close friends, co-workers, and officials should arrange with the family to visit the home from time to time so long as the family expresses a desire to have these contacts continue.
- d. The Chief of Police should observe the member's death date with a short note to the family, flowers on the grave, and/or wreath placement at the National Law Enforcement Officers Memorial.
- e. Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.
- f. The FAMILY LIAISON OFFICER acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the Department and the survivors and that their needs are met for as long as they feel they need for support.
- g. If no court proceedings surround the circumstances of the member's death, the FAMILY LIAISON OFFICER will relay all details of the incident to the family at the earliest opportunity.
- h. If criminal investigations surround the death, the FAMILY LIAISON OFFICER will:
 1. Inform the family of all new developments prior to press release.
 2. Keep the family apprised of legal proceedings.
 4. Introduce the family to the victim's assistance specialists of the court.
 5. Encourage the family to attend the trial, and accompany them whenever possible.

Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

i. ASSISTANCE FOR AFFECTED MEMBERS

1. Members who were on scene or who arrived moments after a member was critically injured or killed should be relieved from duty as quickly as possible.
2. Police witnesses and other members who may have been emotionally affected by the serious injury or death of another member will attend a Critical Incident Stress Debriefing held by a trained medical health professional.
3. Members may call upon the services of the Police Psychologist.
4. Members may also seek out colleagues with the Peer Support Program.
5. Members of the Peer Support Program are available on an on-call basis. The FAMILY LIAISON OFFICERS are also members of Peer Support, but in the event surviving officers require additional assistance, call Peer Support.
6. A Peer Advisor receives a request for service via radio or a fellow officer. Peer advisors can be contacted individually or by calling the Peer Support: (720) 641-0208.
7. The Peer Advisors will assist Dr. John Nicoletti or a member of his staff by arranging roll call or group debriefing sessions.
8. The Police Chaplains are always available to Department members.

j. Traffic Operations Bureau Special Events Unit Responsibilities

1. The Special Events Coordinator is responsible for the overall management of all transportation related to the funeral. Specific duties may include, but are not limited to:
 - a. Escorting the family limousines to the service facility. This involves meeting and providing an escort from the family's home or other designated area.
 - b. Providing an escort for the funeral procession to any sites involved in this proceeding.
 1. Manage all traffic control along the route
 2. Manage all movement of the funeral procession
 3. Assist with organizing the vehicle order in the procession once the funeral managers (mortuaries) have made their determinations.

4. Coordinate and order any traffic control cones or barricades as needed.
5. Ensure the placement and return of the traffic control devices.
6. Coordinate with outside law enforcement organizations and other applicable agencies to ensure a safe, controlled route.
- c. Miscellaneous duties: Coordinate the Color Guard and Rifle Team.
- d. Chain of Command
 1. The department **LIAISON OFFICER** reports to the Chief of Police or designee. All other officers involved in the vent report directly to the department **LIAISON OFFICER**, except the **HOSPITAL LIAISON OFFICER**.
 2. The **HOSPITAL LIAISON OFFICER** is in command and has control of the hospital scene. When, in the case of surviving injured officers, an extended stay is imminent, the **HOSPITAL LIAISON OFFICER** will ensure a police guard for the officer(s). In these cases, the **HOSPITAL LIAISON OFFICER** will attend the Daily Briefings and report updates.
 3. All tasks surrounding the event will be coordinated through the department **LIAISON OFFICER** to ensure completion and avoid duplication of work.

(12) All officers attending the services are encouraged to appear in uniform.

- a. The uniform of the day shift shall be long sleeve shirts, ties, and hats.
- b. The Honor Guard will always wear their authorized winter uniform.
- c. Officers in uniform, upon entering or departing the place of services and while passing by the deceased, shall carry the hat in the right hand and place it over the badge.
 1. Detectives and other non-uniformed personnel shall form after the uniformed officers, enter the place of services directly behind them, and sit collectively.
 2. These department representatives will accompany the cortege to the cemetery and will attend the graveside services:
 - a. The Honor Guard
 - b. The Police Rifle Team
 - c. At least ten (10) uniformed officers
 - d. Use of one police car is authorized to lead the procession as are four (4) solo motorcycles when weather permits.

(13) The Department will observe a period of official mourning for all Denver police officers who are on active duty at the time of their death.

- a. When officers are killed on duty or at any time as the result of being involved in a police related action, or due from wounds or injuries received while on duty or any time while involved in a police related action, the mourning will commence upon notification from the proper authority and will continue until the completion of detail three on the day of the services.
- b. When officers die while active members of the Denver Police Department, the mourning will commence the day before the service at the beginning of detail one and will end the day of the services at the completion of detail three.
- c. All Police Department flags shall be displayed with due respect for the same period of time at the direction of the Chief of Police.
- d. Affixing black tape to the uniform badge is an authorized addition to the uniform during the official mourning period.
 1. Only 3/4 inch black electrical type tape is authorized as a mourning shroud. It will be distributed by the Financial Services Bureau to all units as needed.
 2. The black tape will be affixed so as to run from the upper left of the badge as worn, diagonally to the lower right at a 45 degree angle. This shroud will be removed from the uniform badge at the termination of the official mourning period. See OMS 116.19(3)a. and b.

- e. An official period of mourning may be authorized by the Chief of Police to honor the memory of other law enforcement officers or dignitaries. This mourning period will not be longer than that observed by the parent agency, may include an appropriate display of the Police Department flags and wearing black tape as an authorized addition to the uniform badge.

116.20 Funeral Procedures for Retired Members of the Department

- (1) Upon learning of the death of a member of the Denver Police Department who has been retired from the active service, the Human Resource Management Bureau shall notify the Special Operations Division Chief. The Human Resource Management Bureau will provide the name of the deceased officer, the time and place of the funeral, and the family's wishes about police participation in the arrangements.
- (2) The Special Operations Division Chief, or his/her designee, will coordinate police participation in the funeral.
 - a. When the funeral is held in the metropolitan Denver area, twelve (12) uniformed officers shall be assigned to attend the services. These officers will be assigned evenly from each district station.
 - b. Whenever possible, the secretary of the Retired Officers Association will direct the seating of active, uniformed and retired officers from the Department who attend the services. In the absence of the secretary, the Police Department coordinator will direct such arrangements.
 - c. At the conclusion of the services, one member of the funeral detail will direct the officers to line the route of the casket from the chapel to the hearse.
 - d. At least two (2) uniformed officers will represent the Department by accompanying the cortege to the cemetery and attending the graveside services.
 - e. Use of one (1) police car is authorized to lead the funeral procession to the cemetery.

116.21 Police Honor Guard and Rifle Team

- (1) Organization of the Police Honor Guard
 - a. Officers, while serving as members of the Honor Guard, are attached to the Traffic Operations Bureau.
 - b. Officers receive all orders pertaining to the commitment and operation of the Honor Guard from the Commander of the Traffic Operations Bureau.
- (2) Functions Attended by the Police Honor Guard
 - a. All requests for the appearance of the Police Honor Guard will be sent through official channels to the Division Chief of Special Operations, who will approve the commitments accepted by the Honor Guard.
 - 1. These functions may include such events as parades, inaugurations, ceremonies held for visiting dignitaries, or athletic events.
 - 2. All requests for the Police Honor Guard will be made a minimum of 3 days prior to the requested appearance date to allow adequate time for planning and personnel allocation.
 - b. The Police Honor Guard may participate in the funerals of (see OMS 116.19 and 116.20):
 - 1. Denver police officers on active duty at the time of their death.
 - 2. Retired Denver Police Officers, when authorized by the Division Chief of Special Operations.
 - 3. Police officers or dignitaries throughout the State of Colorado and the nation, when authorized by the Chief of Police.
- (3) Police Rifle Team
 - a. The Police Rifle Team, assigned from the METRO/SWAT Bureau, will be detailed to the funerals of those officers killed in the line of duty.
 - b. Requests for the Police Rifle Team will be directed to the Commander of Special Operations Division.

116.22 Private or Commercial Aircraft Crashes

- (1) Whenever a privately owned or commercial aircraft crashes anywhere within the city limits of Denver, officers of this department will respond to the scene.
 - a. The first car arriving at the scene of the crash will request whatever assistance is required to begin rescue operations and to secure the area. These officers will function as the police command post until a supervisory or command officer of the district in which the crash occurred arrives at the site.
 - b. The Fire Department will be called whether or not there is an active fire resulting from the crash. The Fire Department will first direct their attention to extinguishing any active fires and be immediately available in the event of an explosion or fire. They will also assist in the rescue operations. Upon the arrival of the Fire Department, police officers will direct their attention to securing the area and providing clear, easy access and exit routes for all emergency response equipment and personnel.
- (2) If the crash occurs on the Denver International Airport (D.I.A.) grounds, the Airport Police and Director of Denver International Airport (D.I.A.) will immediately respond to the scene. These people will set in motion the emergency procedures especially developed for such incidents. The responsibilities of the district and traffic officers at the scene will be insuring security of the airport perimeter and maintaining open access and exit routes for emergency response personnel.
- (3) It is essential that adequate police units be deployed without delay so control of the entire situation can be retained by the proper authorities. Attention must be directed at crowd control, security of the involved area, assisting evacuation efforts in case of fire or explosion, preventing looting and theft, maintaining open routes into and from the site and to the hospitals.
- (4) The Denver Police Department is not responsible for completing reports concerning the aircraft crash. The investigation will be conducted by the FAA and the National Transportation Safety Board.
 - a. The Denver Police Department WILL complete the Sick and Injured Report, DPD 150, for injured persons transported to the hospital from the crash site.
 - b. Appropriate reports related to incidents occurring because of the atmosphere created by the airplane crash, such as an auto accident or property theft, will be completed by Denver police officers.
- (5) The City Coroner's Office will take charge of the dead. The Coroner will contact the Police Department Crime Laboratory or the Identification Section if assistance is required to identify the deceased.

116.23 Military Aircraft Crashes

- (1) When an air crash involves a military plane, the first officers on the scene will function in the same manner as when private or commercial aircraft crash EXCEPT that military authorities will take complete charge of the incident upon their arrival.
- (2) Officers are warned to be especially cautious when at the site of the military aircraft crash.
 - a. These planes are designed to protect the onboard defense devises should the crash happen in hostile territory. Therefore, many unusual hazards exist. These include explosives built into the ejection and electronic guidance systems, quantities of oxygen in the cockpit, high pressure hydraulic systems, and extremely caustic batteries.
 - b. The Denver Police Department Bomb Squad and the Fire Department will be called to the scene as military aircraft can be loaded with incendiary devises, various types of bombs and other weaponry.
 - c. OFFICERS MUST RESIST the instinctive reaction to immediately check for injuries and remove any people who may be in the aircraft. Officer should approach the downed aircraft ONLY AFTER specially trained and protected military, Bomb Squad, and Fire Department personnel have arrived, evaluated the crash site, and, when necessary, disarmed any explosive devises that may be aboard.
- (3) Prior to the arrival of the military authorities, police officers on the scene will prevent photographs from being taken of any military property or equipment, except by authorized U.S. Government officials. Anyone taking unauthorized photographs of military aircraft and equipment can be subject to Federal Espionage Laws. No information concerning the event will be given to unauthorized persons.

- (4) The City Coroner's Office will take charge of the dead. The Coroner will contact the Denver Police Department Crime Laboratory or the Identification Section if assistance is required to identify the deceased.

116.24 Conducting a Commercial Business or Private Enterprise During Working Hours

- (1) Officers will not carry out any function of a commercial business or private enterprise during their working hours.
- (2) Officers will not, at any time, carry out any function of a commercial business or private enterprise on any Police Department property.
- (3) Officers will not use any Police Department equipment, vehicles, phone numbers or addresses for the purpose of carrying out the functions of a commercial business or private enterprise, and/or for the buying or selling of any products or services related to that business or enterprise. See OMS RR-808.
- (4) Officers will not use their official titles in connection with any commercial business or private enterprise without the express permission of the Chief of Police. See OMS RR-206.
- (5) These restrictions will apply, but not be limited to, any verbal promotion, or any advertisement, business card, poster, or other printed publication.
- (6) The exception to these restrictions is the posting of notice on Police Department bulletin boards, providing that these notices do not contain Police Department phone numbers or addresses.

116.25 Assisting Fire Department

- (1) When requested by Fire Department:
Whenever the Fire Department requests police assistance at a scene, the police dispatcher will send a police officer.
 - a. The responding officer will determine if additional officers are needed, and if so, will request additional assistance from the police dispatcher.
- (2) Duties of officers at the scene of a fire:
 - a. Secure the scene and entrances, and protect the fire area and outer parameter.
 - b. Control access roads to and from the fire site needed for emergency equipment.
 - c. Assist other agencies at the scene responsible for minimizing the seriousness of the fire, and restoring normal services, such as utility companies.

116.26 Underwater Recovery Team

- (1) The assistance of the Undercover Recovery Team may be requested through the Deputy Chief of Operations by any command or supervisory officer who has reason to believe that evidence in a criminal case may be located in an underwater location.
 - a. All approved requests for the assistance of the Underwater Recovery Team will be made through Denver 911.
 - b. Denver 911 will notify the Team Leader of the Underwater Recovery Team or his/her on-call designee.
- (2) The Team Leader of the Underwater Recover Team will evaluate the request and determine the feasibility of the requested assignment, taking into account the urgency and important of the case, nature of the diving area, weather, available personnel and equipment, and any other known factors relevant to the proposed operation.
- (3) If the Team Leader determines that the assignment is feasible, he will assign a dive coordinator to handle the assignment. The Team Leader will also assign such other divers and equipment, as he deems necessary to assist the dive coordinator.
- (4) At the conclusion of the assignment, or whenever an assignment is refused for any reason, the Team Leader of the Underwater Recovery Team will complete, or cause to be completed, a letter to the Deputy Chief of Operations via Inter-Department Correspondence, DPD 200.
 - a. If the assignment was accepted, the letter will include all pertinent information relating to the assignment as follows: the requesting supervisor or command officer, location, personnel involved, and person-hours expended.
 - b. If the assignment was refused, the reasons for refusal shall be documented.

116.27 Utilization of Canines

- (1) Canines to the METRO/SWAT Bureau will be available to assist in searches, crowd control, tracking, and narcotic detection, security at scenes of major crimes or disasters, in addition to regular patrol duties and special assignments.
- (2) Canines assigned to the Explosive Detection Canine Unit, Airport Bureau, will be available to assist in the explosive detection, dignitary protection, counterterrorism sweeps and Bomb Squad support.]
- (3) If an officer needs a canine and none are on duty, the dispatcher shall be notified. The canine supervisor will be contacted and will make the determination of which canine officer to send.
- (4) Canine handlers will be in complete charge and responsible for their dogs' deployment, regardless of the ranking officer on the scene. Canine handlers will determine the appropriate utilization of their dogs.
- (5) Any conflicts in utilization shall be reported in writing, via the chain of command, to the commanders of the officers involved, as soon as possible.

116.28 Political Activities by Denver Police Officers

- (1) Prior to engaging in political activities, officers shall ascertain that those activities are legally permissible, in compliance with departmental Rules and Regulations and the Secondary Employment Procedure, and are compatible with their position and duties as police officers.
 - a. The laws affecting political activities by Denver Police Officers include:
 1. Title 5, Chapter 15 United States Code (The Hatch Act);
 2. Denver City Charter Sections C5.13, C5.14, C5.74; and
 3. Denver Revised Municipal Code (D.R.M.C.) Sections 2-52, 2-53, 2-54.
 - b. A file containing these laws is maintained in the Data Analysis Unit and is available to interested officers.
 - c. Officers shall familiarize themselves with these laws prior to engaging in political activities other than those listed in OMS 116.28(2)b.
- (2) Denver Revised Municipal Code (D.R.M.C.) Section 2-54 states, in part, "...it shall be unlawful: For any officer or employee to hold any public office or employment which is incompatible with the duties as such officer or employee."
 - a. Denver Revised Municipal Code (D.R.M.C.) Section 2-53 states in part: "If any officer, official or employee...shall obtain an advisory opinion from the board of ethics and shall govern themselves accordingly, or shall act in accordance with published unreversed opinions of the board of ethics, they shall not be guilty of violating any of the provisions of Section 2-54."
 - b. Except for the exercise of such fundamental rights as voting, attending political meetings and membership in political clubs and organizations, officers are advised to obtain an advisory opinion from the Denver Board of Ethics prior to engaging in political activity.
 - c. Questions arising as to whether certain political activities are prohibited by the Federal Hatch Act may be submitted to the U.S. Merit Systems Protection Board for an advisory opinion. The United States Civil Service Commission has ruled:
 "An officer or employee of a State or local agency is subject to the Act if, as a normal foreseeable incident to his/her principal position or job, he/she performs duties in connection with an activity financed in whole or in part by Federal loans or Grants; otherwise, he/she is not." [Applied: IN RE BALDASSARO, 2 POLITICAL ACTIVITY REPORTER 708 (1963)]
- (3) Officers will familiarize themselves with Rule and Regulations 702 through 704 and with The Officers' Bill of Rights, Provision 5, prior to engaging in political activities.

116.29 Use of Informants

- (1) Policies and procedures governing the use and compensation of informants apply to all officers. These policies and procedures will be maintained by the Criminal Investigation Division Chief as stated in OMS 302.14.

116.30 Care and Use of Computer Equipment

- (1) For the purposes of this policy, the term “computer” is defined to include PC desktop computers, dumb terminals, CAD terminals, computer networks, connections to external computer networks, and/or attached devices, such as monitors, printers, scanners, modems, and other devices.
- (2) In accordance with OMS 504.04 (1), every division, bureau, section, and unit will maintain an inventory of city owned property. This includes all computer resources within their respective commands.
 - a. The Technology Services – Safety will physically conduct a Department computer inventory on a regular basis, and will maintain the inventory as resources are acquired, upgraded and allocated.
 - b. The Technology Services – Safety will ensure the accuracy of their inventory with the Inventory Control Unit of the Office of the Deputy Chief of Administration.
- (3) Computer resources are assigned to a division, bureau, section, or unit. Due to the connectivity of computers throughout the department, adverse consequences can occur when computers are disconnected from networks and moved from desk to desk, or office to office. The movement of computer equipment will only be made with the authorization and assistance of the Technology Services – Safety.
 - a. Commanders or supervisors needing to move a computer for efficient operation of their respective unit will first contact the Technology Services – Safety to determine the technical considerations and to schedule the movement with the appropriate personnel. Timely notice will be given as much as possible. Officer will not disconnect any computer or component without the authorization and assistance of the Technology Services – Safety.
 - b. Requests to reassign a computer outside of a bureau or district will be directed through the chain of command to the Deputy Chief of Administration. Insofar as complex resources are assigned to bureaus to accomplish those bureau’s functions, and not to serve employee’s personal interests, requests for computer reassignment will be weighed against the agency’s missions and objectives.
 1. The Deputy Chief of Administration will direct the Technology Services – Safety staff to reallocate computers as necessary.
 2. The Technology Services – Safety will make necessary adjustments to the department computer inventory.
 - c. Members of the Denver Police Department will not make changes to department owned computer hardware without authorization from the Technology Services – Safety. This shall include the addition or remove or hardware devises, changes to hardware configuration switches or jumpers, or changing firmware (embedded software) settings.
- (4) All computer resources, including devices, programs, and data; electronic or hard copy, owned by the Denver Police Department or the Department of Safety, shall be used solely for legitimate department purposes. The use of computer resources for personal or commercial use not related to Denver Police Department business is prohibited.
 - a. Computers belonging to the City of Denver, or computers used by a department member in the course of their duties while assigned by the department to another agency, may only be used for law enforcement purposes. These computers shall not be used for:
 1. Transmitting, viewing, copying, or installing information that contains obscene, indecent, lewd, or lascivious material or other materials which contain information that explicitly or implicitly refers to sexual conduct.
 2. Downloading, storing, transporting, distributing, relocating, or displaying sexually explicit material in any form. For the purpose of this policy, sexually explicit is defined as:
 - a. Any depiction of the nude human body, whether in the form of a digitized picture, cartoon, altered, retouched, or “morphed” picture, or other characterization of the human body in which it is not fully clothed. This includes any depiction in any form, which displays the individual in “bikini” type clothing, or in garments that are designed or intended to be worn under other clothing.

- b. Any depiction, description, representation or discussion of sexual conduct. Also, for the purpose of this policy, the term “download” means through electronic or physical means. This includes, but is not limited to, direct Internet connection, telephone dial-up connection to private, commercial Internet service providers, bulletin board systems or by copying or moving from floppy disk or other removable transportable electromagnetic media.
 - 3. Transmitting, viewing or installing information that contains profane language or panders to bigotry, sexism, racism, or other forms of discrimination.
 - 4. Making unauthorized copies of software that is licensed to the Denver Police Department or The City and County of Denver.
 - 5. Installation of unauthorized software.
- (5) Employees may be disciplined by the Department for any conduct that is prohibited by or otherwise in violation of this policy.
 - a. Using Denver Police Department computers to access the Internet for non-law enforcement purposes and/or for the purposes not related to an employee’s assignment is prohibited.
 - b. No member may use private software to access privately subscribed Internet accounts on department computers. Only department approved Internet access is authorized.
 - c. The Administrative Management Division shall be responsible for auditing use of department computers to insure compliance with this section.
 - d. Violations of this policy may result in suspension or termination of department computer Internet access; disciplinary action pursuant to the department’s rules and regulations; or legal action in the form of criminal or civil penalties.
- (6) Title 17, United States Code, Section 106, gives copyright owners exclusive rights to reproduce and distribute their material, and Section 504 holds copyright infringers liable for damages to the owner of the material. Title 18, United States Code, provides felony penalties for software copyright infringement.
 - a. Members of the Denver Police Department are prohibited, under any circumstances, from unlawfully reproducing, copying or distributing software owned by the Denver Police Department or the City and County of Denver, or to install, or to use illegally-obtained software.
 - b. The Deputy Chief of Administration, through its agents, is solely responsible for purchasing and installing all departmental computer software. Authorized agents include the Technology Services – Safety and/or the Office of Safety Information.
 - 1. The commander of the Technology Services – Safety shall maintain an accurate accounting of all personal computer software installed on department personal computers.
 - 2. Employees of the Denver Police Department shall not install personally owned software on department owned computers without written authorization from the Deputy Chief of Administration.
 - 3. The Technology Services – Safety staff are required to remove from any computer any software that is deemed to be in violation of this section.

116.31 Use of Electronic Mail (e-mail)

- (1) The purpose of this policy is to set guidelines for users of the Police Department’s e-mail system. This policy is designed to balance the trust and responsibility of all users with the complexity and inter-relational aspects of the Department’s computer system.
- (2) The e-mail system is the property of the City and County of Denver and the Denver Police Department and may be monitored by the Department. Users are required to comply with this policy and any other directives or policies involving the Department’s computer system.
 - a. At the request of the Chief, or the Chief’s designee, the department shall have the right to inspect all e-mail files of employees to correct service problems, ensure system security, retrieve records or transition work when responsible personnel are unavailable, or for other legitimate business reasons.

- b. Use of the e-mail system shall be restricted to official business that directly relates to the employee's departmentally assigned duties. Under no circumstances shall an employee send e-mail from the department's e-mail system, or from a private e-mail system into the department's e-mail system, unless such mailing is directly related to the employee's departmentally assigned duties.
 - c. Under no circumstances shall any employee send mass e-mail, either in a single mailing or aggregate of mailings, either from within the department's e-mail system or from a private e-mail system into the department's e-mail system, unless such mailing is directly related to the employee's departmentally assigned duties. Such mailing must be approved by the employee's commanding officer.
- (3) All e-mail of the Department's employees, whether on paper, computer diskette, hard drive, or other medium of storage, may be considered public records that are subject to the disclosure requirements of the public record law and subject to public inspection under C.R.S. § 24-72-203. Furthermore, e-mail may be subject to discovery in litigation. Therefore, while a particular e-mail record may be privileged under the public record law or in litigation, employees should have no expectations of privacy in either sending or receiving information by e-mail. All computer files, including e-mail, are the property of the Denver Police Department, regardless of their physical location or the form in which they are maintained.
- (4) Confidential, propriety, or sensitive information may be disseminated (or made available through networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to, the following:
 - a. Transmittal of personnel information, such as salary, evaluations, complaints, grievances, disciplinary information, or related employee information.
 - b. Criminal history information and confidential informant files, identification files, or related information.
 - c. Intelligence files and information containing sensitive tactical and undercover information.
- (5) Intentionally seeking or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials or any other format, message, or text that disparage the department, any person, group or classification of individuals is prohibited. EXCEPTION: Officers conducting criminal investigations that involve computer crimes may be required to receive, copy, or download material otherwise prohibited.
 - a. Employees who receive e-mail that includes prohibited material shall notify their immediate supervisor who shall take appropriate action.
- (6) Employees should treat e-mail like written memoranda, understanding that messages not appropriate for sending by written memoranda are likewise not appropriate for e-mail.
 - a. Employees shall not engage in "electronic snooping or tampering" and any such violation may subject the offender to disciplinary or other legal action. "Electronic snooping" is the unauthorized attempted use of another employee's password without the employee's consent, or unauthorized entry to or attempt to enter the computer files and communication of another without that person's consent, or the unauthorized entry or attempt to enter the encrypted storage of e-mail messages. "Electronic tampering" is the unauthorized interference with or changing of another employee's password, computer files, or e-mail, or encrypted storage of e-mail messages.
- (7) Employees may be disciplined by the Department for any conduct that is prohibited by or otherwise in violation of this policy.
 - a. The Administrative Management Division shall be responsible for auditing the department's e-mail system to ensure compliance with this policy.
 - b. Violations of this policy may result in suspension or termination of access to e-mail; disciplinary action pursuant to the Department's Rules and Regulations; or legal action in the form of criminal or civil penalties.
 - c. All employees should understand that Department e-mail, MDT e-mail, and Internet usage will be audited on a quarterly basis. Further, random checks may be conducted at any time.

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116.32 Deleted




[116.33 Deleted – Recruitment Responsibilities of Officers Traveling on City Funds

117.00 - POLICE DEPARTMENT EMPLOYEE RIGHTS

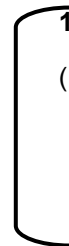
117.01 Officers' Bill of Rights (sworn officers only)

- (1) No police officer shall be disciplined or discriminated against in regard to his employment, or be threatened with any such treatment, by reason of his exercise of the rights granted in this Police Officers' Bill of Rights.
- (2) Police officers shall not be discriminated against or penalized in regard to their employment because of actual or perceived race, color, creed national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation or for any reason not related to performance or the ability to perform as professional police officers.
- (3) No officer shall have any comment adverse to his interest entered in the Situation Record or personnel file without having the opportunity to read and sign the instrument containing the comment. The officer may, within thirty (30) days of learning of the adverse comment, file a written response to be attached to the adverse comment.
- (4) No locker or other space for storage that is provided by the Department and assigned to an officer shall be searched except in the officer's presence, or with the officer's consent, or unless a valid search warrant has been obtained, or when notification has been made that a search will be conducted.
- (5) Except for those restrictions provided by law and Departmental procedures governing off-duty employment and except when on-duty or when acting in his official capacity, no police officer shall be prohibited from engaging in political activities, provided such activities do not impede or impair the efficient operation of the Department.
 - a. No officer while seeking or holding any political office shall appear in that capacity in the Denver Police uniform or use his position as an officer to gain political office or carry out the duties thereof.
- (6) An officer under internal investigation shall be informed of the general nature of the investigation as soon as practical after the complaint has been received. This provision shall not apply to a complaint/investigation that would be jeopardized by such notification.
- (7) Officers subject to an internal investigation shall be permitted to read the written complaint summary prior to being required or compelled to make a verbal or written statement concerning the matter under investigation. The complainant's name will not be deleted from the complaint summary unless the disclosure of such information would jeopardize the ongoing investigation.
- (8) All police officers, who are the subject of an internal investigation, may at their option, be accompanied to the administrative interview by an immediately available observer of the officer's choice. The observer chosen must be able to attend the interview within a reasonable period of time. No interview shall be conducted unless the requested observer is present. During the interview, however, the observer may only act as a witness to the proceedings. The observer may be excluded if his/her behavior becomes disruptive to the interview. This section is intended to apply to investigations initiated by the Internal Affairs Bureau or any formal investigation initiated by an officer's supervisor. It is not intended to interfere with normal inquiries and counseling sessions conducted by an officer's supervisors.
 - a. Any witness to the alleged offense or violation will not be permitted to act as an Observer for the officer under investigation.
 - b. If a Denver Police Officer is selected and agrees to act as an Observer, he/she shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information of a NONCRIMINAL nature received from the officer under investigation. Information regarding criminal acts is not privileged and must be disclosed by a police officer acting as an Observer.
- (9) Any officer contacted by the Internal Affairs Bureau with regard to providing a statement or other information shall be advised, prior to the interview, as to his or her status with reference to the matter under investigation, that is, whether or not the officer is being questioned as a witness or as the subject or possible subject of an internal investigation.

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-  (10) An officer called for a subsequent internal investigation interview shall be afforded the opportunity to review all of his/her prior statements, whether written, sound or video recorded, prior to being asked any further questions.
-  (11) Internal investigation interview sessions shall be conducted for reasonable periods, and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary. At a minimum, at the officer's request, there shall be one (1) five-minute (5) break in each hour of interview. The times of all such breaks, as well as the beginning and ending times of the interview, shall be noted in the reports/recordings of the interview.
- (12) Whenever an officer is interviewed pursuant to an internal investigation, the interview documents, including written reports and/or sound or video recordings, shall contain the names of all persons present during the course of the interview and the date, time, and times of the breaks during the course of the interview shall also be included:
 - a. Upon request, the officer interviewed shall receive a copy of his statements.
 - b. An officer will be allowed to sound record the interview, provided that the Internal Affairs Bureau is permitted to make a copy of the recording.
- (13) Unless immediate action is required, the internal investigation interview shall be conducted at a reasonable hour, preferably during the officer's normal work shift.
- (14) All internal investigation interviews shall be conducted in a private setting, if at all possible.
- (15) All investigations conducted by the Internal Affairs Bureau should, if possible, be performed by an officer of the next rank higher than that person being investigated. Ideally, all investigating officers should have investigative experience or skills and prior supervisory experience.
- (16) Officers under investigation by the Internal Affairs Bureau shall not be compelled to submit to a polygraph. An officer under investigation may, of his own volition, request to undergo a polygraph examination. If a polygraph is to be conducted at the officer's request, prior approval by the Chief of Police will be required.
-  (17) Prior to an officer's being questioned regarding any incident that could result in Departmental violations or criminal charges, the person conducting the internal investigation interview will make a decision to give the officer either the Miranda warning, when law violations are suspected, or the administrative advisement pursuant to internal investigation. If, during the questioning, it is suspected that the officer may be involved in a law violation, the interviewer will cease questioning and give the Miranda warning.
- (18) No officer being interviewed shall be subjected to offensive language or threatened in any manner, either physically or psychologically, except that an officer refusing to respond to questions shall be informed that failure to answer questions directly related to the investigation may result in disciplinary action.
- (19) By appointment, all officers may review the contents of their Personnel file. Officers have the ultimate responsibility for insuring that their files are complete, current, and accurate in terms of personal information and commendations. Officers should review their files on an annual basis, at minimum, to verify the contents.

117.02 Assignment of Officers (sworn officers only)

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- (1) No on-duty or off-duty assignment of officers shall be made on the basis of an officer's actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. This policy shall in no way limit the Department from assigning to work at an event any officer who volunteers to do so.

117.03 Department of Safety EEO Policy (sworn and civilian employees)

- (1) Policy and Declaration - It is the policy of the Department of Safety that its employees (both CSA and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation.
- (2) Conduct Prohibited - Examples of conduct that could violate this policy include, but are not limited to:
 - a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
 - b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
 - c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at a person because of a protected basis;
 - d. Threats or demands to submit to sexual requests in order to keep a job or avoid some other negative consequence, and offers of job benefits in return for sexual favors;
 - e. Basing an employment decision (such as hiring, promotion, discipline, pay increase, job assignment, or termination) on any of the protected categories identified above; and
 - f. Retaliation for good faith reporting, opposing, or otherwise participating in a complaint or investigation process concerning potential violations of this policy.
- (3) Individuals who believe they are being subjected to prohibited discrimination or harassment are strongly urged to make it clear to the offending employee that such behavior is offensive and should be discontinued unless the individual experiencing the alleged misconduct is uncomfortable communicating that to the offending employee.
- (4) Reporting Procedures
 - a. All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken, subject to the confidentiality requirements of agency peer support programs. Potential violations should be reported to any of the following:
 1. Any supervisor in the reporting employee's or offending employee's agency or work unit, inside or outside the chain of command;
 2. The Internal Affairs Bureau for the reporting employee's or offending employee's agency (available twenty-four hours per day, seven days per week);
 3. The Human Resources Management Bureau for the reporting employee's or offending employee's agency;
 4. The Manager of Safety's EEO Coordinator; and/or
 5. The Career Service Authority Employee Relations Unit.
 - b. Nothing in this policy precludes an employee or applicant from contacting or filing a charge of discrimination or claim with an external agency such as the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. Consultation with a peer support or employee group representative shall not constitute reporting of a potential policy violation, nor shall it be considered legal knowledge or notice to the City or Department of Safety.
 - c. A report or complaint of discrimination, harassment, and/or retaliation may be made verbally or in writing. Anonymous reports/complaints will also be accepted and evaluated for further investigation. Any person reporting a potential violation of this policy or otherwise participating in the complaint or investigation process should understand that confidentiality will be maintained to the extent possible but that absolute confidentiality and anonymity cannot be guaranteed.

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- (5) Supervisors and managers who become aware, by any formal or informal means, of possible discrimination, harassment, or retaliation must take prompt, reasonable actions to stop the prohibited behavior. Additionally, supervisors and managers must promptly report any information concerning the possible prohibited behavior to the Manager of Safety's EEO Coordinator and their agency head. Supervisors or managers who serve as employee group representatives or peer support officers are subject to applicable confidentiality agreements and notice to such individuals while acting in their peer support capacity shall not constitute reporting or notice to the agency, Department of Safety, or City.
- (6) The Department of Safety maintains "zero tolerance" regarding violations of this policy, meaning the Department will not knowingly tolerate acts of discrimination, harassment, or retaliation.
 - a. Allegations about potential violations of this policy will be taken seriously and the Department will promptly undertake reasonable steps to address all allegations of discrimination, harassment, or retaliation. If an investigation is deemed necessary, it will be conducted promptly, thoroughly, and impartially.
 - b. Appropriate actions may include, but are not limited to, discipline (up to and including termination), training, mediation, or other effective remedial action commensurate with the severity of the offense and any such actions will occur as soon as practicable for even a single violation of the policy.
- (7) Retaliation is strictly prohibited against employees who have in good faith:
 - a. Opposed conduct that potentially violates this policy, including but not limited to making a complaint or protest on behalf of another individual;
 - b. Reported conduct that the employee experienced or observed and reasonably believes to constitute a potential violation of this policy; or
 - c. Assisted or participated in an investigation, claim, lawsuit, or hearing concerning a complaint of discrimination, harassment, or retaliation. This includes but is not limited to making a report or complaint, or providing a witness interview during an investigation.
- (8) Retaliation is conduct taken against an employee or applicant because the employee or applicant has engaged in any of the above-listed protected activities.
 - a. Retaliation can include but is not limited to such acts as disciplining an employee, giving an employee a negative performance evaluation, refusing to recommend an individual for a benefit for which he or she qualifies, giving an employee a less desirable job assignment, spreading rumors about an individual, encouraging hostility from co-workers, and escalating harassment.
 - b. Any Department of Safety employee engaging in or encouraging retaliation may be subject to appropriate actions, including but not limited to discipline (up to and including termination), mediation, or training, even for a single offense.

117.04 Grievance Filed under the Collective Bargaining Agreement (sworn officers only)

- (1) Any grievance filed under the Collective Bargaining Agreement between the City and County of Denver and the Denver Police Protective Association will follow the procedure outlined in the Collective Bargaining Agreement in force at the time.
- (2) The central repository for storage of any grievances at the conclusion of Step 2 under article 25.4 of the Collective Bargaining Agreement, will be the Civil Liability Bureau within the Denver Police Department.

117.05 Complaint or Appeal Filed by Civilian Employees (civilian employees only)

- (1) Civilian employees who have attained Career status may refer to Career Service Authority Rules 15 and 19 for procedures concerning the filing of complaints and appeals through Career Service Authority.
- (2) Civilian employees who have not attained Career status may refer to Career Service Authority Rule 15 for the applicable provisions concerning the filing of complaints.
- (3) Civilian employees may refer to Operations Manual Section 117.03(3) or Career Service Authority Rule 15-103 for procedures filing complaints of harassment, discrimination, or retaliation.

117.06 Disclosure of Information Protected (sworn and civilian employees)

- (1) It is the policy of the Denver Police Department to encourage the disclosure of information regarding the violation of any rules, regulations, or laws by any City employee. No employee of the Denver Police Department shall retaliate in any manner against another employee or civilian witness for disclosure of such information to a police investigator, City official, governmental agency, Disciplinary Review Board, Use of Force Review Board, Tactics Review Board, Office of Independent Monitor, Citizen Oversight Board, Manager of Safety EEO Coordinator, Career Service Board, any Career Service Board Hearing Officer, the employee's appointing authority, Civil Service Commission, and Civil Service Commission Hearing Officer, or the City Board of Ethics. No employee of the Department shall intimidate or attempt to deter another employee or civilian witness from disclosing such information. All such disclosures must be made in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.
- (2) Any conduct in violation of this policy is prohibited and will subject the employee to appropriate discipline.
- (3) Any disclosure of information made in bad faith, or without reasonable regard for the truthfulness of the information disclosed, or in violation of a prohibition recognized by law, rule, or regulation, may subject the employee making the disclosure to appropriate discipline.

117.07 Employee Investigation Guidelines (sworn and civilian employees)

- (1) Procedure if the subject of an investigation is a sworn officer:
 - a. All allegations of a violation of law or Department policy will be thoroughly investigated by the Internal Affairs Bureau (IAB) in accordance with section 503.01.
 - b. All allegations of discrimination, harassment, or retaliation based on a category protected by law or Department policy will be thoroughly investigated by the Internal Affairs Bureau and the Manager of Safety's EEO Coordinator.
 - c. The Commander of IAB must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.
 - d. All complaints of discrimination, harassment, or retaliation will be given an IAB case number.
- (2) Procedure if the subject of an investigation is a civilian employee:
 - a. All allegations of a violation of law or Department policy will be thoroughly investigated by the subject employee's supervisory chain of command, the Human Resources Management Bureau (HRMB), or IAB.
 - b. All allegations of discrimination, harassment, or retaliation based on a category protected by law or Department policy will be thoroughly investigated by the Manager of Safety's EEO Coordinator.
 - c. The Manager of Safety's EEO Coordinator must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.
 - d. All complaints of discrimination, harassment, or retaliation will be given an EEO Coordinator case number.
- (3) General Procedures
 - a. Anonymous complaints will be evaluated by the Commander of IAB and the Manager of Safety's EEO Coordinator (if alleging discrimination, harassment, or retaliation) to determine the appropriate course of action.
 - b. The complainant will be notified at the on-set of the investigation, periodically during the investigation (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.
 - c. The subject officer or employee will be notified at the on-set of the investigation, periodically during the investigation (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.

- d. The complainant will be advised in writing by the Department of the final disposition of the case.

117.08 Resiliency Program

Program Mission

The Denver Police Resiliency Program is a resource dedicated to the mental and physical resiliency of all department members.

(1) Program Coordinator

The program coordinator shall be the rank of lieutenant or above. The coordinator will be located at the Denver Police Academy and shall report to the Deputy Chief of Administration or his/her designee.

Coordinator Responsibilities

- a. Refer employees to the appropriate employee assistance or psychological services
- b. Collaborate with Peer Support and Psychological Services on policies and training related to the program
- c. Monitor recovery of employees participating in the program
- d. Develop training for employees and supervisors regarding substance abuse and employee assistance options
- e. Work with Limited Duty Section and Safety Human Resources to arrange time off, or FLMA for employees seeking assistance

(2) Referrals

The following referral options are available for an employee going through an alcohol or legal substance abuse problem, or mental health crisis:

- a. Self Referral – This may be directly from the employee, a peer, or a member of the employee's family
- b. Supervisor Referral – The supervisor of the employee may recognize that the person is struggling, or having difficulties

Self Referrals or Supervisor Referrals may be made directly to the Program Coordinator, or a member of Peer Support.

- c. Internal Affairs/Safety Department – This would be as a result of a criminal behavior or a serious misconduct incident of an employee
 - IAD will not participate in, nor have access to an employees' referral, or treatment information, unless it is as a result of sustained discipline imposed by the Executive Director of Public Safety, or mandatory Fitness for Duty evaluation imposed by the Chief of Police.
 - Participation in this program will not replace any formal discipline that may result from the employee's misconduct. Sworn employees participating in the program would still be subject to the Conduct Review Process, while Career Service employees would be subject to the Career Service Authority Discipline Process.

(3) Confidentiality

All referral or treatment information pertaining to an employee shall be kept confidential. Confidentiality is considered a vital component of the Resiliency Program and promotes trust to those seeking help or seeking assistance on behalf of a peer.

Confidentiality cannot be maintained if:

- a. A person poses a clear and present danger to himself/herself/others
- b. He or she has committed, confessed to, or revealed details of a serious crime or of serious misconduct.

Please Note – This program is not in lieu of any disciplinary or administrative action taken by the department as a result of misconduct by department personnel.

118.00 - Biased Policing Policy and Criminal Intelligence Information

118.01 Policy Statement

- (1) The City and County of Denver has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions.
- (2) The policy of the Denver Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches (absent consent) of persons and/or property by officers in Denver must be based on a showing of probable cause and/or reasonable suspicion, as required by the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution. Also, that every person has a right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law, and every person has the right to free speech and freedom of association under the First Amendment of the United States Constitution.
- (3) The policy of the Denver Police Department is, further, that officers shall not consider race, ethnicity, national origin, age, sex, sexual orientation, or religion as the sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search. The Denver Police Department reaffirms its commitment to unbiased policing as expressed in the policies outlined in OMS 118.02 below and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person on the basis of race, ethnicity, national origin, age, sex, sexual orientation, or religion.
- (4) The Denver Police Department respects and values public safety intelligence gathering, as an indispensable part of law enforcement and of national security. However, such information must be regularly and rigorously examined for compliance with OMS 118.03 below, and for its appropriateness, using the United States and Colorado Constitutions. No individual or group will be entered into the criminal intelligence database solely because of their political views, religion, social views, associations, or expressive activities.

118.02 Biased Policing

- (1) Purpose
 - a. The purpose of this policy is to reaffirm the Denver Police Department's commitment to unbiased policing and to reinforce procedures that serve to maintain public confidence by providing service and enforcing laws in a fair and equitable manner.
 - b. The policy will also help officers keep in mind the "probable cause" and "reasonable suspicion" criteria for their stops and searches. Traffic enforcement and pedestrian contacts are routinely performed by officers but for the motorist or pedestrian who are stopped it is frequently an emotionally upsetting experience. Officers should be aware of these conditions and should strive to make each contact educational and leave the motorist with an understanding that the officer has performed a necessary task in a fair, professional and friendly manner.
- (2) Biased Policing Definition:
 - a. Biased Policing means the practice of singling out or treating differently any person on the basis of race, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation.
- (3) Policy:
 - a. It is the policy of the Denver Police Department that all police-initiated actions, which include all investigative detentions, traffic stops, arrests, searches, and seizures of persons and/or property by officers, will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances, and conclusions, which support probable cause or reasonable suspicion for the arrest, investigative detention, or traffic stop. Officers shall not consider race, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation in establishing either reasonable suspicion, probable cause, or as a basis for requesting consent to search.

- b. Officers may take into account the reported race, ethnicity, or national origin of a specific suspect or suspects in the same way they would use specific information regarding age, height, weight, etc. about specific suspects.
- c. During a stop, misunderstandings may stem from the officer's failure to explain why the contact was made. During most vehicle or pedestrian stops officers can inform the detainee of the reason for the stop. If, for articulable officer-safety or investigatory considerations, the reason for the stop cannot be disclosed immediately, the officer will inform the party of the reason for the stop before the contact is terminated.

(4) Business Cards

- a. Officers shall provide, without being asked, a business card to any person whom the officer has detained in a **traffic stop**, if that person is not issued a traffic summons, written courtesy traffic warning, or arrested. There is no such mandate on pedestrian stops other than those stated in OM RR-129, *Giving Name and Badge Number*. By statute, the business card shall contain the officer's name, badge number, assignment, and the following information:

Positive Comments or Complaints – (720) 913-6665

- b. The Department will provide generic blank business cards on which officers shall legibly write their names, badge numbers, and assignments. Cards printed at personal expense must contain the above information.

118.03 Criminal Intelligence Information

(1) PURPOSE

- a. To establish internal controls and proper oversight for the collection, retention, dissemination, and disposition of criminal intelligence in conformance with the privacy interests and constitutional rights of individuals, groups, associations or other legal entities.

(2) APPLICABILITY

- a. This section applies to all Denver Police Department (the "Department") criminal intelligence systems whether or not funded as part of any multi-jurisdictional systems funded by Omnibus Crime Control and Safe Street Act of 1968 discretionary assistance awards or Bureau of Justice Assistance (BJA) formula grant program sub-grants the purpose of which is specifically to support the operation of a criminal intelligence system.
- b. The policies and procedures contained in this section are in compliance with all guidelines enumerated in 28 Code of Federal Regulations Part 23, Criminal Intelligence Systems Policies. There are additional provisions, some of which are more restrictive, but none that are in conflict with the federal guidelines. The Denver Police Department shall not include, in any criminal intelligence file, information which has been obtained in violation of any applicable Federal, State, local law, or ordinance, the policies of the Denver Police Department, or this section.
- c. Systems that are specifically excluded from the requirements of this section and 28 Code of Federal Regulations Part 23 are:
 1. Criminal history files
 2. Street Checks
 3. Mug shot systems
 4. Offense and accident report systems
 5. Criminal investigatory case files

(3) POLICY

- a. The collection, retention, dissemination, and disposition of criminal intelligence is one of the essential functions of law enforcement public service. All Department employees shall adhere to guidelines established in this section to ensure the security, confidentiality, and proper maintenance and dissemination of criminal intelligence. Criminal intelligence information will not be collected or retained except as specified in this section.

- b. This policy is based on the careful review and consideration of:
 - 1. The guidelines identified in Title 28 Code of Federal Regulations Part 23 - Criminal Intelligence Systems Operating Policies, with policy clarifications provided by the Dept. of Justice - Bureau of Justice Assistance, Office of Justice Programs, and Office of General Counsel.
 - 2. The Law Enforcement Intelligence Unit's (LEIU) Criminal Intelligence File Guidelines.
 - 3. Best practices of Intelligence Unit policies from multiple law enforcement agencies.

(4) GOALS

- a. Provide liaison, coordination, and resource assistance in the collection, storage, exchange or dissemination, and analysis of criminal intelligence information in on-going investigations or prosecution of serious criminal activity.
- b. Provide criminal intelligence information to law enforcement and criminal justice agency personnel on individuals and organizations involved with criminal organizations and enterprises.
- c. Provide analysis of organized crime and criminal enterprises in Colorado. This includes identification and/or projection of major changes in crime trends.

(5) DEFINITIONS

- a. Intelligence Personnel
 - 1. Bureau Commander – Captain of the Special Investigations Bureau
 - 2. Intelligence Unit commander / Commanding Officer – Lieutenant of the Strategic Services Section of the Special Investigations Bureau
 - 3. Intelligence Unit Supervisor – Sergeant Assigned to the Intelligence Unit within the Strategic Services Section
 - 4. Intelligence Unit Detective / Officers – Personnel assigned to the intelligence Unit either on a permanent or temporary basis
- b. Criminal intelligence
 - 1. Data that has been processed - collected, evaluated, collated and analyzed - to be used in connection with and in furtherance of law enforcement investigative purposes. Intelligence involves data collection from both overt (information available to the general public) and covert sources. It may include general threat information not necessarily directed at a specific arrest or prosecution. Criminal intelligence data also includes information collected through undercover operations and through photographic, electronic, or other media. All criminal intelligence data shall be collected and maintained in a manner consistent with this policy.
 - 2. Criminal intelligence includes information that relates to an individual, organization, business, or group reasonably suspected of being involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal acts:
 - a. Narcotic trafficking/manufacturing
 - b. Unlawful gambling
 - c. Loan sharking
 - d. Extortion
 - e. Vice and illegal pornography
 - f. Infiltration of legitimate business for illegitimate purposes
 - g. Stolen securities
 - h. Bribery

- i Major crimes including homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing stolen property, and arson
 - j Manufacturing, use, or possession of explosive devices for illegal purposes
 - k Threats of violence, or acts of violence against or in connection with, persons or property
 - l Rioting/Inciting to riot, as those terms are defined in C.R.S. §18-9-101(2), C.R.S. §18-9-102, and C.R.S. §18-9-104
 - m Computer crimes
 - n Counterfeiting
 - o Identity theft
 - p International and/or domestic terrorism, which, for purposes of this section, shall be defined as acts dangerous to human life that are a violation of the criminal law and that are intended to influence the policy of a government by intimidation or coercion.
 - q Any other criminal offense not listed above which is not directly related to purely expressive behavior and is consistent with the purpose and intent of this policy.
- c. Criminal Intelligence Files - Criminal intelligence information that has been collected, processed, retained in a criminal intelligence information file, and that may be shared within the law enforcement community. Criminal intelligence files include information regarding:
- 1. Individuals who:
 - a Are reasonably suspected of being involved in the planning, organizing, financing, or commission of criminal activity, as set forth in paragraph 5(a)(2) above, or
 - b Are reasonably suspected of being involved in criminal activities with known or suspected criminal organizations
 - 2. Organizations, businesses, and groups that:
 - a Are reasonably suspected of being involved in planning, organizing, financing, or commission of criminal activity, as set forth in paragraph 5(a)(2) above;
 - b Are reasonably suspected of being illegally operated, controlled, financed, or infiltrated by known or suspected criminal organizations, or
 - c Use illegal activities and/or enterprises as a principal means to obtain resources, support for their existence, or further their organizational goals
- d. "Criminal organization," as used in this section, consists of a group of individuals associated together in fact for a common purpose of engaging in a course of criminal conduct or activity as set forth in paragraph 5(a)(2), above.
- e. Non-Criminal Identifying Information (NCI)
- 1. The names of individuals, organizations, groups, or businesses that are not suspected of criminal involvement, but whose identification is relevant to a criminal investigation. Examples of (NCI) would be:
 - a A member of a gang (known for narcotics trafficking) is arrested for narcotics violations while driving a car registered to his father (who is not suspected of involvement in the gang or narcotic activity). The name of the gang member and the name of the gang may be entered in the database. The father can only be entered as "non-criminal identifying information" relevant to the criminal suspect and must be clearly labeled as such

- b. A surveillance on a criminal suspect shows the individual entering a place of business that is not suspected of criminal activity of the suspect. The business can only be entered as “non-criminal identifying information” relevant to the criminal suspect and must be clearly labeled as such
- f. “Purge,” as used in this section, shall mean the complete destruction of a physical file and the permanent deletion from any Intelligence Unit computer files, systems, or databases.
- g. Reasonable Suspicion of Criminal Activity
 - 1. “Reasonable suspicion” is present when sufficient facts are established to give a trained law enforcement officer or criminal investigative agency, officer, investigator, or employee a particularized and objective basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal enterprise or activity, as set forth in paragraph 5(a)(2) above. The Intelligence Unit is responsible for establishing the existence of reasonable suspicion of criminal activity through the examination of supporting information submitted, which is subject to routine inspection and audit procedures established by the Department. In determining whether “reasonable suspicion” is present, a law enforcement officer or criminal investigator may consider, within the totality of circumstances, the fact that the individual or organization has been involved in serious criminal activity or conduct in the past. Past criminal activity, without more, shall not be sufficient to satisfy the reasonable suspicion requirement. If “reasonable suspicion” is based, in whole or in part, on information obtained through electronic, video, or audio means, that fact and the existence of such information shall be noted in the criminal intelligence file.

(6) PROCEDURES FOR MANAGING CRIMINAL INTELLIGENCE FILES

a. SUPERVISION OF DATA ENTRY

- 1. All criminal intelligence data shall be reviewed by an Intelligence Unit supervisor or commanding officer prior to entry into any criminal intelligence file. The supervisor or commanding officer shall determine that the criminal intelligence data conforms to these policies and was not obtained in violation of any applicable Federal, State, local law, or ordinance, Department policies, or this section. Criminal intelligence data will not be placed in any criminal intelligence file unless approved by an Intelligence Unit supervisor or commanding officer. The badge number of the approving supervisor or commanding officer will become part of the file.

b. INFORMATION SUBMISSION CRITERIA

- 1. The Department shall only collect or maintain criminal intelligence information concerning an individual or organization if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity, as set forth in paragraph 5(a)(2) above, and the information is relevant to that criminal conduct or activity. The existence of reasonable suspicion will be based on specific, articulable facts that will be documented in the criminal intelligence file.
- 2. The Department shall not collect or maintain information about the political, religious, social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization, unless such information directly relates to criminal conduct or activity and there is a reasonable suspicion that the subject of the information is or may be involved in that criminal conduct or activity.
- 3. Non-Criminal Identifying Information (NCI) - Under the following circumstances, the names of individuals, organizations, groups or businesses that are not suspected of criminal involvement, but that provide relevant descriptive, identifying information regarding the criminal suspect, may be entered as “Non-Criminal Identifying Information.” A non-criminal identifying label should say that “This individual or organization has been entered into the system for identification purposes only -- he, she or it is not suspected of any criminal activity or involvement. ”This label will act as a disclaimer of criminal association and will not be used to meet reasonable suspicion requirements to create a file or record for that individual or organization.

- c. **EXCLUDED MATERIAL** - Only lawfully collected information based on a reasonable suspicion of criminal activity and that meets the Department's criteria for file input should be stored in the criminal intelligence file. Information that shall be specifically excluded from criminal intelligence files includes:

1. Information on an individual or group merely on the basis that such individual or group support unpopular causes
2. Information on an individual or group merely on the basis of race, gender, age, or ethnic background
3. Information on an individual or group merely on the basis of religious or political affiliations, or beliefs
4. Information on an individual or group merely on the basis of personal habits and/or predilections that do not break any criminal laws or threaten the safety of others
5. Information on an individual or group merely on the basis of involvement in expressive activity that takes the form of non-violent civil disobedience that amounts, at most, to a misdemeanor offense

- d. **FILE CRITERIA** - All information retained in the criminal intelligence file will meet the criteria prescribed by the Department. There are two types of intelligence records - Permanent and Temporary files.

1. **Permanent Intelligence Files** - Criminal Information may be retained in the permanent intelligence files for up to five (5) years. At that time, criminal information will be automatically purged unless new criminal intelligence has been developed establishing reasonable suspicion that the individual and/or organization continues to be involved in a definable criminal activity or enterprise. When updated criminal intelligence is added into the permanent files on a suspect individual or organization already listed in the database, such entries reset the five year standard for retention of that file. Permanent intelligence files must be periodically reviewed for compliance with this policy consistent with paragraph 9 below.
2. **Temporary Intelligence Files** - Criminal Information may also be entered into temporary criminal intelligence files when there is reasonable suspicion of criminal activity, but that finding is based, in part, upon "unreliable" or "unknown" sources, or where the content validity of the information is "doubtful" or "cannot be judged." All temporary intelligence files shall be specifically designated as such and must be reviewed by a supervisor every sixty (60) days for validity. This interim review must be documented in the temporary intelligence file. Temporary intelligence files shall be retained no longer than one year. At that time, temporary files must be either purged or converted into permanent intelligence files. All temporary intelligence files will be kept electronically separate from the general database. All temporary hard copy intelligence files will also be physically separated from the permanent files.
3. **Working Files** - Intelligence Detectives may create a working file for information received that has not yet met the reasonable suspicion requirement and/or is either ambiguous or incomplete, or may have been obtained from unknown sources (anonymous tips), or the content validity of which cannot be judged. A working file will be opened for up to thirty (30) days to either develop reasonable suspicion or unfound the information. One thirty (30) day extension may be granted by the Intelligence Unit Supervisor in extenuating circumstances. This information will not be stored in the Intelligence database until it has met the reasonable suspicion requirement. If it does not meet this requirement, it will be purged immediately.

- e. **INFORMATION CLASSIFICATION**

Information to be retained in the files of the Department shall be labeled for source reliability and content validity prior to entry or submission. Circulating information that has not been evaluated, where the source reliability is poor or the content validity is doubtful, is detrimental to our agency's operations and is contrary to the individual's right to privacy. The classification of criminal intelligence information is subject to continual change, the passage of time, the conclusion of investigations, and other factors that may affect the security classification or dissemination criteria assigned to particular documents.

Documents within the intelligence files should be reviewed on an ongoing basis to ascertain whether a higher degree or lesser degree of document security is required and to ensure that information is released only when and if appropriate.

1. Source Reliability - The reliability of the source is an index of the consistency of the information the source provides. The source shall be evaluated according to the following:
 - a RELIABLE - The reliability of the source is unquestioned or has been tested in the past
 - b USUALLY RELIABLE - The reliability of the source can usually be relied upon. The majority of the information provided in the past has proved to be reliable
 - c UNRELIABLE - The reliability of the sources has been sporadic in the past
 - d UNKNOWN - The reliability of the source cannot be judged; either experience or investigation has not yet determined authenticity or trustworthiness
2. Content Validity - The validity of information is an index of the accuracy or truthfulness of the information. The validity of the information shall be assessed as follows:
 - a CONFIRMED - The information has been corroborated by an investigator or another reliable independent source
 - b PROBABLE - The information is consistent with past accounts
 - c DOUBTFUL - The information is inconsistent with past accounts
 - d CANNOT BE JUDGED - The information cannot be judged. Its authenticity has not yet been determined by either experience or investigation
3. Sensitivity - The sensitivity of the information shall be classified according to the following standards:
 - a COMMAND – Information that requires the strictness dissemination and release criteria, such as corruption.
 - b. SENSITIVE - Information, including, but not limited to, active police investigations, informant identification information, corruption, and those reports which require strict dissemination and release criteria
 - c LAW ENFORCEMENT SENSITIVE - Information obtained through intelligence channels that is not classified as sensitive and is for law enforcement use only. Restricted information may include previously classified sensitive information for which the need for a high level of security no longer exists
 - d PUBLIC - Information that is public in nature. This includes arrest and criminal record information and other information contained in records of official actions

(7) INFORMATION DISSEMINATION

- a. Intelligence Unit officers shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.
 1. Except as noted in paragraph (2) of this section, officers shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination that are consistent with these principles.
 2. Paragraph (1) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary to avoid imminent danger to life or property.

- b. Criminal intelligence information may only be shared with other law enforcement agencies with the express written approval of the Intelligence Unit Commander. The release of this information shall be based on a need to know and right to know basis, and only to agencies whose Intelligence Systems are 28CFR Part 23 Compliant. The facts establishing the requestor's need to know and right to know shall be documented in the criminal intelligence file. The agency and/or officer requesting the information, the officer approving the sharing, the law enforcement purpose for the request, the date of the request, and the date of the provision of the information shall all be noted in the file. The agency and/or officer requesting the information, the supervisor or commander approving the sharing, the law enforcement purpose for the request, the date of the request, and the date of the provision of the information shall all be noted in the file.

1. In maintaining criminal intelligence information, the Department shall ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to ensure against unauthorized access and against intentional or unintentional damage. A record indicating, who has been given information the reason for release of the information and the date of each dissemination outside the bureau shall be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of requesting agencies and control officials. The officer releasing information shall document in the criminal intelligence file the existence of an inquirer's need to know and right to know the information being requested, either through inquiry or by delegation of this responsibility to a properly trained participating agency, which information release is subject to routine inspection and audit procedures established by the bureau.
2. Criminal intelligence information shall only be shared with other members of the Department on a need to know basis. The officer requesting the information and the justification for the request shall be noted in the file.

- c. Intelligence Unit personnel will not release any original intelligence documents. Whenever information from a criminal intelligence file is disclosed, in any form, either orally, in writing, or through inspection of files, the Intelligence Unit must comply with the requirements set forth in paragraph 7(b) above.

- d. Need to know

1. Requested information is pertinent and necessary to the requesting agency in initiating, furthering, or completing the performance of a law enforcement activity

- e. Right to know

1. Requester is acting in an official capacity and has statutory authority to obtain the information being sought

- f. Intelligence Unit information will be released according to the following classification and release authority levels:

1. **COMMAND** – This information may only be released with the permission of the Chief of Police or his/her designee to law enforcement agencies who demonstrate a need to know and right to know.
2. **SENSITIVE** - Information in this class may only be released with permission of the Intelligence Unit Commander to law enforcement agencies that have a demonstrated right to know and need to know
3. **LAW ENFORCEMENT SENSITIVE** – Law Enforcement Sensitive information may be released by Intelligence Unit personnel to law enforcement agencies that have a demonstrated right to know and need to know
4. **PUBLIC** - Any Intelligence Unit personnel may release this information to a Denver Police Department officer or other law enforcement agency. The Manager of Safety is the official records custodian and the Manager of Safety must approve the release of information to the public or media

(8) SECURITY OF FILES

- a. Criminal intelligence files will be physically secured in locked cabinets or in electronic files that are equipped with security protection measures. Those files and databases will be secured during off-hours and when the office is vacant.
- b. Key access to the Intelligence Unit will only be granted to assigned Unit personnel.]
- c. Locks, combinations, and system passwords will be changed upon the transfer of any member.
- d. Unit personnel will adopt a "clean desk" policy to include the removal of sensitive documents from view when not in use. The orientation of computer monitors will be such as to preclude casual observation by visitors and there will be control of sensitive conversations.]

(9) REVIEW AND PURGE PROCEDURES

- a. Reviewing and purging of all information that is contained in the Department criminal intelligence files and kept under paragraph 6 above will be done on an ongoing basis, but, at a minimum, will be accomplished annually. The dates when reviews occurred shall be noted in the criminal intelligence file. The maximum retention period is five years, and a criminal intelligence file must be purged after five (5) years unless the information in that criminal intelligence file has been updated consistent with this section. The Department may update the criminal intelligence file and extend the retention period at any time, based on reasonable suspicion of new or continuing criminal activity documented in the criminal intelligence file.
- b. The decision to purge information should be guided by the following considerations:
 - 1. Whether or not the information in the criminal intelligence file continues to comply with the reasonable suspicion standard set forth in paragraph 5(f)(1) above
 - 2. Defined retention periods for permanent and temporary files
 - 3. Specific credible threats to government officials and/or law enforcement officers
- c. Any information that is found to be collected or retained in violation of this section or found to be inaccurate, misleading, or obsolete, shall be purged. Any recipient agencies or department members shall be advised of such changes and that the subject information has been purged.

(10) TRAINING

- a. The commanding officer of the Intelligence Unit and any bureau, section, or unit with responsibility to gather criminal intelligence information shall ensure that all officers assigned to the bureau, section or unit have received training regarding this section. Training will be documented in the officer's training records.]
- b. The commanding officer of the Intelligence Unit and any bureau, section, or unit with responsibility to gather criminal intelligence information shall ensure that all officers assigned to the bureau, section, or unit receive annual update training regarding this section and any recent court decisions and best practices regarding criminal intelligence information. Training will be documented in the officer's training records.]
- c. An outline of the training will be kept on file in the Intelligence Unit and the Training Bureau.]
- d. An annual review will also be conducted of this section and the policy will be updated based on recent court decisions and national best practices.

(11) INDEPENDENT OVERSIGHT

- a. Implementation of this policy shall be subject to an audit by an independent agency. This audit shall review data collection, categorization, maintenance, dissemination, and Intelligence Unit practices, as well as training procedures, to verify compliance with established rules and policies.]

- b. The individual who conducts the audit for the independent agency shall be familiar with these policies and procedures, and the policies and procedures set forth in paragraph 3(b) above. The individual who conducts the audit for the independent agency shall have access to all Intelligence Unit files and data necessary to perform the audit function, and will be provided with the financial resources necessary to complete the audit and report. The audit shall be conducted on a quarterly basis for the first year, a semi-annual basis for the second and third years, and annually thereafter.
- c. The individual who conducts the audit shall prepare a written report, which will be provided to the Intelligence Unit Commander, the Chief of Police, the City Attorney, and the Office of the Independent Monitor.
- d. The Intelligence Unit Commander shall prepare a written response to the audit report within ten (10) days of receipt and copies of that response will be provided to the Chief of Police, the City Attorney, and the Office of the Independent Monitor. The Office of the Independent Monitor shall have the right to submit to the Mayor its comments regarding the audit report and the Intelligence Unit's response within ten (10) days after receipt of the Intelligence Unit's response.
- e. Any conflict between the findings in the audit report and the response prepared by the commanding officer of the Intelligence Unit shall be resolved by the Mayor.
- f. In the event the audit report determines that a criminal intelligence file was improperly opened in violation of paragraph 6(c) above, and that finding is sustained by the Mayor, the Intelligence Unit will notify in writing the subject of that criminal intelligence file that a file was improperly opened and will be purged. Upon request, the subject will be provided with a copy of his/her criminal intelligence file, with necessary redactions to protect the privacy of third-parties and the safety of law enforcement officers.

119.00 - Use of H.A.L.O. (Closed Circuit Television)

119.01 H.A.L.O. Policy

(1) Purpose:

The Denver Police Department recognizes the value of utilizing technology as an important law enforcement and public safety tool. The purpose of this policy is to provide guidance for the Denver Police Department in the responsible and effective use of overt cameras in public areas for the purpose of safety and security. This program is established as the High Activity Location Observation (H.A.L.O.) Program.

The H.A.L.O. crime prevention and detection strategy includes the use of video surveillance to target public areas of high crime and disorder and those areas where the safety and security of our citizens are at risk. Justification for camera deployment will be accomplished through a comprehensive assessment of the totality of circumstances that support the use of this limited resource. The needs assessment should include the evaluation of criminal justice records, public information, crime data, officer observations, community input and concerns, and risk assessments.

(2) General Principles:

- a. The Denver Police Department restricts the use of H.A.L.O. cameras to public places in a manner consistent with privacy rights.
- b. Except in situations of the investigation of a crime committed by a person(s) whose description is known, H.A.L.O. camera use must not be based on individual characteristics, or classifications, including race, gender, sexual orientation, national origin, or disability.
- c. Keeping in mind the Denver Police Department's Mission, Vision, and Values, the principle objectives of the H.A.L.O. Project include:
 1. Enhancing public safety in areas where the safety and security of our citizens are at risk;
 2. Preventing and deterring crime;
 3. Reducing the fear of crime;
 4. Identifying criminal activity;
 5. Identifying suspects;
 6. Gathering evidence;
 7. Documenting police actions to safeguard citizen and police officer rights;
 8. Reducing the cost and impact of crime to the community; and
 9. Improving the allocation and deployment of law enforcement resources.
- d. H.A.L.O. camera use will be conducted with accepted legal concepts regarding privacy, and in a professional and ethical manner. Personnel involved in H.A.L.O. Program use will be appropriately trained and supervised in the use of this technology. Violation of Department Policy and Procedures will result in appropriate corrective action or discipline and may subject those involved to civil or criminal liability under applicable state and federal laws.
- e. Initial and ongoing needs assessments will be conducted as a part of this H.A.L.O. Program. Needs assessments will consider that H.A.L.O. is only one of many tools and methods available to enhance public safety and that other alternatives may be more appropriate or cost effective.
- f. Information obtained from H.A.L.O. use will be used exclusively for public safety and law enforcement purposes. Information in any form obtained through the use of the H.A.L.O. Project technology will be handled according to accepted departmental procedures and legal rules governing the handling of evidence and criminal justice records. Dissemination of such information should be conducted in accordance with applicable departmental procedures, State, and Federal laws. Unusable or non-case specific video or digital image data will not be retained, and will be purged from data storage within established time periods, and in conformance with State, Federal, City and Department legal and policy requirements.

- g. The design and implementation of the H.A.L.O. Program and its periodic enhancement must recognize legal parameters that both limit and expand use of cameras in the public space. Evaluation of policy, staffing, training, and budget issues are essential, and will be conducted.

(3) Definitions:

- a. **H.A.L.O.:** Acronym for the overt public area camera Program, defined further as High Activity Location Observation, and H.A.L.O.-Safe City (the Denver Public Schools/DPD partnership).
- b. **H.A.L.O. Camera:** A self-contained video camera (commonly known as Closed Circuit Television), within a protective case that:
 - 1. Can monitor and record from a distance, activity on the public way;
 - 2. Is remotely controlled and capable of sending real-time images to a portable control receiver case, the H.A.L.O. Operations Center, the Office of Emergency Management, the Combined Communications Operations Center, or a patrol district station office (if equipped) or other designated monitoring center or location authorized by the Department;
 - 3. Functionality may include the pan of 360 degrees, tilt, and zoom (PTZ);
 - 4. May have night-vision capability;
 - 5. May be affixed to a street pole or other object in designated areas consistent with this procedure; and
 - 6. May display the Department's logo and may be equipped with a highly visible flashing light; and
 - 7. May have signage that denotes the area is subject to being video-recorded and monitored.
- c. **Control receiver case:** Portable electronic equipment designed to monitor video images and operate the H.A.L.O. camera. As part of the H.A.L.O. Program, the control receiver case is designed to be operated in the field.
- d. **Desk Mounted Monitor:** A desktop PC that has a dual function for displaying both H.A.L.O. images and PC displays. H.A.L.O. software is a secure, permission based application.
- e. **Exit Strategy Plan/H.A.L.O. Relocation:** A strategy outlining the steps that will be taken to prevent crime from returning to the area of deployment after a H.A.L.O. Placement/Re-Location Request, DPD 711, is approved pursuant to OMS 6 of this procedure.
- f. **Displacement Relocation Analysis:** An analysis indicating the effects of the crime displaced by H.A.L.O. cameras.
- g. **H.A.L.O. Command and Control Center:** The centralized robust video operations center located at the Denver Police Department's Headquarters building.
- h. **H.A.L.O. Security Officer:** The crime detection specialist assigned to the H.A.L.O. Command and Control Center or other facility to monitor multiple H.A.L.O. images.
- i. **Public Area Remote Surveillance H.A.L.O.:** Camera affixed to existing or mobile structure, (i.e. Utility Pole, Building, trailer, etc.), that is temporary, of which the video signal can be monitored through a remote-mobile laptop, desktop computer, or Command and Control Center.
- j. **Public Place/Space:** Physical locations that have been identified by the courts where the warrantless use of video surveillance by law enforcement is allowed, (i.e. no expectation of privacy). Examples are parking lots, parks, streets, roads, alleyways, public walkways, etc.
- k. **Urgent Significant Event:** Situations that include barricade or hostage situations, patterns of criminal activity, large public gatherings that may lead to law violations, impact public safety response or where public safety and security may be at risk.

(4) Procedure:

- a. Establishes the H.A.L.O. Program for the implementation of fixed and mobile remote-surveillance H.A.L.O. camera's providing live video viewing and recording capabilities.

- b. Establishes procedures and responsibilities for:
 - 1. The placement and relocation (movement) of H.A.L.O. cameras.
 - 2. Documenting and evaluating the effectiveness of H.A.L.O. camera placement/relocation.
 - 3. Documenting exit strategy plans upon the Placement-Re-Location of H.A.L.O. camera placement and relocations.
 - c. Introduces the use of the following forms available electronically through the DPD's T: (Template Server):
 - 1. H.A.L.O. Placement/Re-Location Request Form, DPD 711
 - 2. H.A.L.O. Video Search/Retrieval Request Form, DPD 709
 - 3. H.A.L.O. Equipment Repair Form, DPD 708
 - d. Defines certain terms relative to this procedure.
 - e. Establishes the H.A.L.O. Program Committee.
- (5) H.A.L.O. Camera Placement Criteria:
- a. The needs assessment should include the evaluation of criminal justice records, public information, crime data, officer observations, community input and concerns, risk assessments, and other relevant data.
- (6) Duties and Responsibilities:
- a. The Deputy Chief of Administration will ensure:
 - 1. A historical log is completed for each H.A.L.O. camera documenting dates, locations, placement and relocations.
 - 2. Placement/relocation of H.A.L.O. cameras is monitored to maximize utilization of the system.
 - b. The H.A.L.O. Program Commander will:
 - 1. Coordinate activities between all involved Department Divisions and City Agencies
 - 2. Conduct periodic reviews to evaluate the effectiveness and continued need of H.A.L.O. camera placement in the deployed locations.
 - 3. Review strategic plans and exit strategies for H.A.L.O. camera placement/relocation and removal.
 - 4. Coordinate requests or inquiries made by outside agencies involving H.A.L.O. cameras.
 - 5. Ensure that H.A.L.O. cameras are used for law enforcement or public safety purposes consistent with this policy.
 - 6. Direct technical support activities for fixed and mobile H.A.L.O. cameras including installation, removal, relocation, and maintenance.
 - 7. Manage the inventory and storage of equipment.
 - 8. Manage improvements and repairs of the H.A.L.O. Program.
 - 9. Monitor all technical functions related to the operation of the H.A.L.O. Program.
 - 10. Maintain for our department website approved H.A.L.O. camera locations.
 - 11. Coordinate with the affected Division Chief's, Commanders and the Office of the Chief of Police, prior to any removal of a H.A.L.O. camera due to maintenance, repair, or relocation.
 - 12. Be responsible for the appropriate training and documentation of all employees who have command and control access to the H.A.L.O. system.
 - 13. Be responsible for developing detailed policy, procedures, directives and job specific operations and technical manuals needed for the program.

14. Continuously conduct research of legal opinions and rulings, best practices in policies, procedures, technology and training to ensure that the rights of individuals, our employees and the City are protected.
- c. District Commanders will, in consultation with the Division Chief of Patrol:
 1. Conduct an analysis of H.A.L.O. camera placement/relocation pursuant to OMS (5)a. above.
 2. Identify and recommend public places within their districts for H.A.L.O. camera placement/relocation utilizing OMS (5)a. above:
 - a. This information will be documented on the H.A.L.O. Camera Placement/Re-Location Request Form, DPD 711.
 - b. Attach all supporting documentation to the H.A.L.O. Placement/Re-Location Request Form, DPD 711.
 - c. Forward the H.A.L.O. Placement/Re-Location Request Form, DPD 711, with supporting documentation to the appropriate Division Chief.
 - d. District Commanders will be responsible for approving and implementing the exit strategy for the removal of H.A.L.O. cameras.
 - d. The Division Chief of Patrol will:
 1. Consult with the bureau or district commander concerning requests for H.A.L.O. cameras to be placed in priority locations.
 2. Review all requests for the placement/relocation of H.A.L.O. cameras within their area and forward all approved requests to the H.A.L.O. Program Commander.
 - e. The H.A.L.O. Program Commander, in consultation with the affected Division Chief will:
 1. Receive and review all requests for use or placement of H.A.L.O. cameras from all Department Divisions other than the Patrol Division. Any request to the Program Commander must come from a Division Chief and contain the appropriate form and documentation.
 2. Review all requests for the placement/relocation of H.A.L.O. cameras received from the appropriate Division Chief and forward all approved requests to the Deputy Chief of Operations. If approved, the Deputy Chief of Operations will forward the request to the H.A.L.O. Program Committee and then the Chief of Police for final review and approval.
 3. Send requests that are not approved back to the appropriate District Commander and Division Chief. A brief report detailing why the request was not approved will be attached to the returned request.
 - f. Designated field supervisors will:
 1. Ensure that only trained officers operate any secure desktop application for H.A.L.O., and/or any control receiver case.
 2. Document this training in the officer's training record.
 3. Coordinate and supervise the police officers assigned to vehicles equipped with a control receiver case and those assigned to operate any secure desktop application.
 4. Report any equipment problems or failures to the H.A.L.O. Program Commander.
 - g. Designated police officers and supervisors will:
 1. When assigned to monitor a H.A.L.O. camera, use all equipment in accordance with their training and department policy.
 2. Continually monitor the condition of the H.A.L.O. cameras and immediately report any visible damage to a supervisor.
 3. Immediately report any equipment malfunctions to their supervisor and complete a H.A.L.O. Equipment Repair Form, DPD 708, and e-mail it to the H.A.L.O. Command and Control Center and the H.A.L.O. Unit Commander.

4. Complete the H.A.L.O. Equipment Repair Form, DPD 708, and submit it to the District Commander when the supervisor deems that the retrieval of the video images captured are needed for investigation or other appropriate police purposes.
 - h. The H.A.L.O. Program Commander and/or designee from the Denver Police Department in coordination with the Technical Services Division of the City and County of Denver and the selected vendor will:
 1. Supervise the installation and removal of the H.A.L.O. camera's from approved locations.
 2. Coordinate integration of new equipment and testing.
 3. Conduct site surveys to establish logistical needs, such as connectivity, installation, security, and any other relevant issues.
 4. Provide technical assistance when required.
 - i. The H.A.L.O. Command and Control Center personnel will:
 1. Conduct H.A.L.O. camera monitoring from the H.A.L.O. Command and Control Center, or other designated areas.
 2. Self-Dispatch observations on the appropriate communications channel.
 3. Perform priority in camera monitoring in cases involving officer safety, in-progress crimes, calls for service, events, or public emergencies.
 4. Set priorities by reviewing daily crime reports, officer information and specific requests for coverage as well as other sources.
 5. Maintain activity log relative to H.A.L.O. assistance provided to all Department Divisions and other agencies.
- (7) H.A.L.O. Training:
- a. Designated H.A.L.O. Security Officers (non-sworn), field officers (sworn), detectives and supervisors will receive updated training concerning the First Amendment, the Fourth Amendment, Department policies and procedures and the proper operation of the surveillance equipment through the H.A.L.O. Video Training Program prior to being authorized to use the equipment.
 - b. This training will be documented in the respective officer's (sworn/non-sworn), training record and noted in their Supervisors Situation Record, Academy training records by the officers' supervisor. The H.A.L.O. Program Commander will ensure that the training is complete and documented prior to allowing access to the system.
- (8) H.A.L.O. Program Committee:
- a. The H.A.L.O. Program Committee is comprised of the following personnel:
 1. Deputy Chief of Administration, who will act as the committee chairperson;
 2. Deputy Chief of Operations, who will act as the committee vice-chairperson;
 3. Division Chief of Criminal Investigations;
 4. Division Chief of Research, Training, and Technology;
 5. Division Chief of Patrol;
 6. Director of Research and Development;
 7. Departmental H.A.L.O. Program Commander;
 8. Director of the Crime Analysis Unit;
 9. City Attorney representative;
 10. District Attorney representative; and
 11. Citizen selected by the Chief of Police (applies to Policy, Procedure, and Placement)
 - b. The H.A.L.O. Program Committee will:

1. Review past requests submitted for H.A.L.O. camera placement/relocation;
 2. Oversee the deployment of H.A.L.O. cameras;
 3. Analyze the effectiveness of camera placement/relocation;
 4. Provide impact analysis with respect to crime displacement and any ongoing investigation that camera placement/relocation may impede;
 5. Through the H.A.L.O. Program Commander, forward a list of approved H.A.L.O. locations to the H.A.L.O. Command and Control Center, the Office of Emergency Management and Combined Communications Center, and cause them to be posted on the department intranet and website.
- c. The H.A.L.O. Program Committee will be responsible for review, but not prior approval of the exit strategy plan for the removal of H.A.L.O. cameras. The appropriate District Commander and the Division Chief of Patrol are responsible for the approval of the exit strategy plan and its implementation and duration.

(9) H.A.L.O. Placement:

- a. H.A.L.O. cameras will be placed in locations pursuant to approval by the H.A.L.O. Program Committee.
- b. Approved signage may be posted upon installation of the camera in a prominent manner.
- c. An effort will be made to notify the community at least 72 hours prior to installation of the camera through community meetings, notification of the appropriate City Council representative and the city website.

(10) Displacement Monitoring/Exit Strategy:

The district commanders will develop an Exit Strategy Plan which will include:

- a. A report indicating what the H.A.L.O. camera placement has accomplished.
- b. What actions will be taken to eliminate a future need for the H.A.L.O. camera at that location.
- c. When the camera will be moved.
- d. Notification of the community and the appropriate City Council representative that the camera will be removed.

(11) H.A.L.O. Video Search/Retrieval Request Process:

- a. Retrieval of the recorded video images from H.A.L.O. camera(s) for investigative or prosecution purposes will occur as delineated in this procedure.
- b. Unless retrieved consistent with this procedure, video images captured by the H.A.L.O. camera will be purged after a 30-day period.
- c. Requests for the retrieval of video images recorded by H.A.L.O. camera will be initiated by a supervisor who will:
 1. Complete and submit a H.A.L.O. Video Search/Retrieval Request Form, DPD 709, to their district commander, or designee for approval;
 2. E-mail the approved form and any related reports to the H.A.L.O. Program Commander or designee for final review.
- d. In situations in which the urgent retrieval of video images is necessary the detail commander in the district of occurrence or a member of the Investigations Division responsible for the investigation, will:
 1. Notify the H.A.L.O. Unit Commander or designee on weekdays between 0800-1600 hours, excluding holidays at 720.913.HALO (4256);
 2. At all other times, notify Combined Communications Center supervisor; or

3. The Combined Communications Center Supervisor will notify the on-call H.A.L.O. Unit Detective. The H.A.L.O. Unit will provide the H.A.L.O. Command and Control Center and the Combined Communications Center with the names of Department members who are trained to retrieve video images and are available for call back. These members will electronically capture relevant information for each H.A.L.O. Video Search/Retrieval Request Form, DPD 709, received.
 - e. Requests for the retrieval of video images should be made within 72 hours of the incident's recording.
- (12) Video Storage of Retrieved Images:
- a. Media Compact Disc's (CD's/DVD's), containing retrieved images recorded by the H.A.L.O. cameras with attached H.A.L.O. Video Search/Retrieval Request Form, DPD 709, will be stored in strict accordance with existing department evidentiary procedures. The originally recorded images will be electronically transferred to this medium under secure procedures from the Denver Police Department/Department of Safety Storage Area Network (SAN). The H.A.L.O. Video Search/Retrieval Request Form, DPD 709 is an internal report used only by the Denver Police Department. Any request to archive original footage needs to be completed on the appropriate form, and notification of this request shall be made within 7-days of the event.
 - b. Officers receiving retrieved images recorded by the H.A.L.O. camera's will, within seven days of receipt of the recorded images on CD, enter such receipt into the investigative file, utilizing the inventory number given to them by the Denver Police Property Management Bureau, and denote the disposition of the recorded image.
 - c. Once the request for video image retrieval is approved, the H.A.L.O. Unit Commander or designee will make three (3) original copies on CD. These three original copies are made in concurrence with local federal title-III audio recording standards as follows:
 1. One original copy (copy #1), will be heat sealed and initialed as evidence for court, utilizing the case number provided on the H.A.L.O. Video Search/Retrieval Request Form, DPD 709. The electronic reference tag/ log number will also be noted onto the CD/DVD. This is to be completed by the requestor maintaining the chain of evidence, after signing H.A.L.O. receipt for all three copies.
 2. The second original (copy #2) and third original (copy #3), will be marked as delineated above and provided to the requestor as a working case copy and a discovery copy.
- (13) Urgent or Significant Event H.A.L.O.:
- a. In the event where the immediate use of a H.A.L.O. camera is warranted a mobile H.A.L.O. platform may be utilized.
 - b. The Incident Command will contact the H.A.L.O. Unit Commander, who will initiate emergency deployment of the mobile H.A.L.O. platform.
 - c. The Chief of Police will be notified of any urgent deployment of H.A.L.O. cameras.
 - d. The Chief of Police has the authority to deploy H.A.L.O. cameras in public places throughout the City outside of the normal approval and documentation process when doing so is in the best interest of the City and the Department.
- (14) The H.A.L.O. Program, with the approval of the Chief of Police, may partner with other public and private institutions and entities in the sharing of camera images with the Denver Police Department. For example, the Program currently is allowed access to cameras owned and operated by the Regional Transportation District, Denver Public Schools, Colorado Department of Transportation and Denver Department of Public Works Traffic Operations. The monitoring of privately owned cameras on the H.A.L.O. network will only occur under a written agreement between the City and the private owner. The Denver Police will not allow access to the H.A.L.O. network to any non governmental agency nor to any governmental agency that is not directly involved in providing public safety services in the City of Denver. Access to the H.A.L.O network must be requested in writing and approved by the Chief of Police.

SERIES 200.00**201.00 Police Traffic Supervision****202.00 General Enforcement Guides - Traffic****203.00 Traffic Accident Investigation**

- 203.01 General Information (rev. 12/2014)
- 203.02 Reporting Procedures (rev. 12/2014)
- 203.03 Fatal and Serious Bodily Injury Accidents (rev. 12/2014)
- 203.04 Hit and Run Accident Investigation (rev. 12/2014)
- 203.05 Reporting Accidents Involving Hit and Run, DUI, or Drivers' License Restrictions (rev. 12/2014)
- 203.06 Private Property Accidents
- 203.07 Counter Reports
- 203.08 Accidents Involving Police Equipment and Personnel (rev. 12/2014)
- 203.09 Accident Review/Pursuit Review (Rev. 03/2013)
- 203.10 Accidents Involving Fire Equipment, Ambulances, and Other City Vehicles
- 203.11 Jurisdictional Disputes Regarding Accidents
- 203.12 Accidents Involving Utility Installations
- 203.13 Non-Traffic Fatal and Serious Bodily Injury Accidents (added 12/2014)

204.00 Violations - Traffic

- 204.01 Police Pursuits
- 204.02 Driving Under the Influence - General Information (Rev.03/2013)
- 204.03 Breath Analysis Tests (Rev. 03/2013)
- 204.04 Blood Alcohol and Drug Tests
- 204.05 Booking for Traffic Charges (Rev. 03/2013)
- 204.06 Uniform Traffic Summons and Complaint/Penalty Assessment Notice
- 204.07 Traffic Warnings
- 204.08 Furnishing Unauthorized Persons with Citations and Summons and Complaint Forms
- 204.09 Random Vehicle Stops
- 204.10 Drivers Restraint Violations
- 204.11 Misuse of License Plate Violations
- 204.12 U.S. Mail and Other Public Carriers
- 204.13 Speeding Citations
- 204.14 Voiding Citations
- 204.15 Deleted
- 204.16 Private Emergency Vehicles Involved in Traffic Violations
- 204.17 Juvenile Traffic Accidents and Citation
- 204.18 Parking Citations
- 204.19 Police Building Traffic Regulations
- 204.20 Parking Police Vehicles at the City and County Building and Denver International Airport (Rev. 03/2013)
- 204.21 Citizens' Complaint on Moving Traffic Violations
- 204.22 Vehicle Registration Violations
- 204.23 Visible Emissions from Engines

205.00 Enforcement - Traffic

- 205.01 General Procedures - Traffic
- 205.02 Deleted
- 205.03 Guideline for Handling Traffic Violators
- 205.04 Recommending Drivers for License Re-Examination
- 205.05 Bicycles and Mopeds - Enforcement
- 205.06 Pedestrian Traffic Violations
- 205.07 Violations by Colorado Legislators (Rev. 03/2013)

206.00 Impounding Procedures

- 206.01 Impounding Bicycles (Rev. 03/2013)
- 206.02 Impounding, Releasing, and Storage of Motor Vehicles (Rev. 03/2013)
- 206.03 DELETED 05/2011

REV. 7-08

206.04 Towing and/or Impounding Vehicles

207.00 Immobilization Procedure

207.01 Immobilization of Vehicles

207.02 Immobilization of Vehicles on Private Property

208.00 Freeway Traffic Accidents

208.01 General Procedures – Freeway Accidents (Rev. 03/2013)

208.02 Other Freeway Procedures (Rev. 03/2013)

209.00 Barricades, Highway Closures, and Roadblocks

209.01 Barricades and Temporary Traffic Control Devices

209.02 Interstate and Major Highway Closures (Rev. 03/2013)

209.03 Roadblocks and Forced Stops

210.00 Hazardous Materials

210.01 General Procedures

210.02 Command and Control at Hazardous Material Scenes

210.03 The Denver Police Highway Unit will be responsible for:

210.04 Follow-up Investigations Regarding Hazardous Materials

201.00 - POLICE TRAFFIC SUPERVISION

- (1) Police Traffic Supervision should be primarily concerned with enforcement action to be taken in connection with traffic accident investigation and other "on view" violations and in procedures to be followed in the relief of traffic congestion. True enforcement action (arrest, citation, or warning) must accomplish a deterrent adequate to bring about better driving habits which reflect themselves in reduced congestion and accident experience in the community. The Denver Police Department is concerned with the quantity of enforcement activity only to the extent that it affects the traffic problems of the community.
- (2) Scientific studies by various agencies and institutions have well established the fact that where traffic enforcement is vigorous and selective, traffic laws are observed and the incidence of traffic accidents are reduced. But to accomplish the realistic, productive traffic law enforcement with resultant observance of traffic laws, we must conscientiously employ the first element of an effective traffic law enforcement program - intelligent and uniform application of fair and reasonable traffic policies.
- (3) Although the essential elements of each violation are clearly set forth in an ordinance or in a statute, it is important that we relate these elements to everyday traffic incidents. This is, in essence, a guide to police officers in their efforts toward reducing the number of traffic accidents and relieving congestion. This manual attempts to outline and briefly explain the most intelligent and practical approach toward enforcement action in specific instances. Thus, if we expect to enjoy the most rewarding results in the field of traffic safety, we must be uniformly guided by the policies which have been adopted by the Department and stated in this manual.

202.00 - GENERAL ENFORCEMENT GUIDES – TRAFFIC (revised 12/2014)

- (1) When applying the enforcement guides, it is necessary that the enforcement action be conducted in accordance with the following basic policies in order to obtain the most successful results.
- a. Members of the department shall take appropriate enforcement action when an enforceable violation is detected. This shall include provable violations determined as the result of accident investigation, as well as violations which were observed by the officer.
 - b. When juveniles are involved in traffic offenses, the procedures and philosophies contained in this manual will be followed.
 - c. Traffic law enforcement activities of the department shall be primarily (but not exclusively) selective or directed toward those violations which are predominantly accident causing and during those times and places where accidents are occurring. General traffic law enforcement shall also be maintained at a level adequate to promote the development of safe driving practices.
 - d. Between the hours of 0700 and 0900, and 1600 and 1800, on days which normal business activities are conducted, members of the department who are not assigned to the Traffic Operations Bureau shall not engage in "at rest" patrol or stationary observation. During these times, members of the department shall direct their traffic activities toward patrolling arterial streets and highways for the purpose of locating and relieving traffic congestion and hazards.
 - e. Parking regulations shall be objectively enforced, keeping in mind that such enforcement is provided as a service to the public and taking into consideration the practical limitations, as well as the obligations imposed upon the police.
 - f. Occasionally, a problem condition may exist which is beyond the sphere of police corrective measures, such as traffic or design engineering deficiencies. In these cases, members of the Department must:
 - 1. Recognize the problem
 - 2. Identify the department or agency responsible for making the necessary corrections
 - 3. Advise that agency of the existing conditions
 - 4. Document the notification to establish the Traffic Division's awareness of the problem
 - g. The policy of the department shall be to afford the public a fair measure of enforcement, contingent upon all related factors. This enforcement must be consistent with the objectives of relieving traffic congestion, insuring citizen observance of traffic laws, use of available street space and efficient movement of traffic.

203.00 - TRAFFIC ACCIDENT INVESTIGATION

203.01 General Information (revised 12/2014)

- (1) A traffic accident is defined as unintentional damage or injury caused by the movement of a vehicle or its load. An officer, employee or dispatcher receiving a report of an accident, by telephone or other means shall:
 - a. Determine if any injuries have occurred.
 - b. Order an ambulance or other necessary equipment.
 - c. Direct parties involved to move their vehicles, if possible from traffic lanes; to expedite traffic flow. Vehicles are not to be moved when the accident involves injury, if a driver is suspected to be under the influence of drugs, alcohol, or is otherwise impaired due to an emotional or mental state.
 - d. Use the guidelines in OMS 203.02 (1) to determine whether a report will be made at the scene of the accident.
- (2) Uniformed officers not on a previous assignment, observing or who are notified of a motor vehicle accident, shall notify the dispatcher of the location and follow the guidelines in OMS 203.02 (1) to determine if a report will be made at the scene of the accident.
- (3) Upon arrival at the scene of an accident, the following steps shall be taken:
 - a. Position the police car so that it does not create any further hazard.
 - b. Protect the accident scene.
 - c. Determine whether injuries have occurred and request an ambulance if necessary. If practical, render first aid. Once an ambulance has responded, injured persons shall not be transported in a police vehicle except on the advice of a paramedic.
 - d. Restore traffic flow as soon as is practical, making sure the roadway is cleared of any hazard.
 - e. When the Fire Department is called to extricate individuals trapped in any manner, the ranking officer of the Fire Department at the scene shall be in complete charge until rescue operations have terminated.
 - f. Give each driver an Accident Information Exchange Form, DPD 338, after completing the space marked investigating officer. Officers shall point out the information on the reverse side of the form regarding towing procedures.
 - g. Determine if a report will be made. If a report is not made, then the subsequent procedure shall be followed:
 1. Verify the validity of vehicle registrations, drivers' license, and insurance requirements.
 2. Advise each driver that, in the event that the damage to any one vehicle or property is later found to exceed the minimum damage criteria established by Statute, a Counter Report/Online Report should be made by all drivers involved.
 3. On the Daily Activity Log, the officer shall enter the names and license plate numbers of persons involved, as well as a description of the actions taken.
 4. Insure that the vehicles involved do not present a traffic hazard.
- (4) Field Investigation Steps:
 - a. The main emphasis of accident investigation is to determine if there was a violation of the law and if so, to prove each element of the offense.
 - b. Check all vehicle occupants for personal injury and evaluate the physical condition of the drivers. If any driver appears to be under the influence of intoxicating liquor or drugs, the investigation shall proceed as outlined in OMS 204.02.
 - c. Check for hazards at the scene and notify the dispatcher if any repairs are needed.

- d. The scene examination should start where the vehicles came to final rest. Debris and/or broken parts from the vehicles will help locate the key events and indicate the paths of the vehicles involved. Skid marks show position and direction of travel, evasive action or unlawful behavior.
- e. Some evidence in accident investigation is very fragile: pools of gasoline, oil, blood, pieces of broken glass, clothing transfer, on road surfaces. This evidence which can be damaged, altered, destroyed or removed from the scene by a willful or negligent act, must be identified, secured and included on the diagram prior to removal.
- f. Obtain all information required for the Accident Report, including statements from all drivers and witnesses.
- g. In cases where the driver of a vehicle involved in an accident is not the owner and cannot establish his or her relationship with the owner, officers shall clear the vehicle to ascertain if it has been reported stolen. When possible, the owner should be contacted to establish the driver's right to be in possession of the vehicle.
- h. Check vehicles for mechanical soundness of lights, brakes, windshield wipers and other auxiliary safety devices, the operation of which may have affected the accident.
- i. Contact victims at the hospital, if necessary, to obtain further information.
- j. Cite the at-fault driver for the accident-causing violation and any other charges, if applicable.

203.02 Reporting Procedure (Revised 12/2014)

- (1) Officers will investigate and make a report on any traffic accident in the following situations:
 - a. The damage to the property or vehicle of any one person exceeds the minimum damage criteria established by Statute. When there is a question as to the amount of actual damage, an Accident Report will be made. When accident alert procedures are in effect see OMS 102.05(17)c.
 - b. A personal injury or fatality is involved.
 - c. Denver property, vehicles or on-duty city personnel are involved.
 - d. A driver is suspected to be under the influence of alcohol or drugs.
 - e. A driver operated his vehicle with drivers' license restraints, had an improperly registered vehicle, or failed to produce proof of insurance. The fact that a driver is cited for having no proof of insurance must be noted on the Accident Report.
 - f. A driver left the scene without fulfilling statutory information requirements when solvability factors are present at the time of reporting, see OMS 203.04. In the absence of solvability factors, officers may advise the victim of the on-line reporting option, see OMS 203.07(2).
 - g. Upon request, Denver officers will investigate and report accidents which fall under the minimum damage criteria established by Statute when:
 - 1. Public vehicles are involved, such as federal, state or other police agencies.
 - 2. Specifically requested to do so by one of the involved parties (C.R.S. §42-4-1606). The department will interpret this provision of the statute to mean that a request to investigate and report an accident must be made at the accident scene.
- (2) Although police officers are not required to make a Traffic Accident Report if the State minimum damage criteria is not met, and none of the criteria in OMS 203.02(1) are present, they shall cite drivers for the accident-causing violation without completing a report following the procedure below.
 - a. Examine the driver's license, registration and insurance information.
 - b. Assure that the Accident Exchange Information form, DPD 338, is completed and exchanged.
 - c. Investigate to ascertain if an accident-causing violation has occurred.
 - d. If there is sufficient evidence to support a violation, a citation will be issued. If a citation is issued, check the "Accident" box on the Uniform Traffic Summons & Complaint/Penalty Assessment Notice.

- e. Officers will include in their notes, on the reverse side of the City Attorney's copy, the results of their investigation, including:
 - 1. A simple diagram or description of the accident.
 - 2. The defendant's statement.
 - 3. A description of the weather and street conditions.
 - 4. The names of other drivers or independent witnesses to be subpoenaed.
 - 5. Any other information the officer deems necessary.
 - 6. A note must be made at the top, reverse side, of the City Attorney's copy that an accident report was not completed, due to an insufficient amount of property damage.
 - f. Nothing in this procedure precludes an officer from completing a traffic accident report when called to the scene of a minimal property damage accident.
 - g. When accident alert procedures are in effect. See OMS 102.05(17)c.
- (3) When it is determined that a report will be made, the officer will complete the State of Colorado Traffic Accident Report, Form DR-2447, following the instructions contained in the State of Colorado Investigating Officer's Traffic Accident Reporting Manual, subject to procedures and modifications contained in the Department's Operations Manual and pertinent directives. All information required from Overlays A and B must be included on the accident report. The following boxes on the State of Colorado Traffic Accident Report, Form DR-2447 will have information, which is agency specific to the Denver Police Department. The State of Colorado Traffic Accident Report, Form DR-2447 will be completed electronically via the MRE as outlined in the Denver Police Department Electronic Accident Report Reference Manual.
- a. County: Enter "Denver"
 - b. County #: Enter "01"
 - c. Detail: Enter reporting officer's detail number and car assignment. (Example: 2-232)
 - d. Agency Code: This box is used to indicate a hit and run accident; an incomplete accident report; or, a hit and run accident report which would be an early case closure.
 - 1. If the report is a hit and run, enter "H&R" in the agency code box.
 - a. All reports marked "H&R" will be accompanied by a Traffic Case Summary, which explains the circumstances of the incomplete report.
 - b. If the incomplete report involves any vehicle owned, operated, or leased by the Denver Police Department, enter "H&R-DPD" in the agency code box.
 - c. If the incomplete report involves any vehicle owned or operated by the Denver Fire Department, enter "H&R-FIRE" in the agency code box.
 - 2. If the report is incomplete, enter "INC" in the agency code box.
 - a. All reports marked "INC" will be accompanied by a Traffic Case Summary, which explains the circumstances of the incomplete report.
 - b. If the incomplete report involves any vehicle owned, operated, or leased by the Denver Police Department enter "INC-DPD" in the agency code box.
 - c. If the incomplete report involves any vehicle owned or operated by the Denver Fire Department, enter "INC-FIRE" in the agency code box.
 - 3. If the report meets the requirements for an early case closure, enter "ECC."
 - 4. The criteria for "ECC" are:
 - a. Based on their investigation, the investigating officer will determine if there is sufficient information and evidence to file charges against an identifiable suspect. The investigating officer must first thoroughly check the accident scene and surrounding area and contact neighbors for possible information. Insufficient evidence would include:

1. The victim does not have a complete license plate number of the suspect vehicle, or
 2. The victim does not have a partial license plate number of the suspect vehicle and the make, style, and color of the suspect vehicle, or
 3. The suspect driver is unknown to the victim or to a witness, or
 4. No witness (present or not present) can identify the suspect or provide the license plate number of the suspect vehicle.
- b. If the investigating officer determines there is insufficient evidence forthcoming to file charges, the officer will inform the complainant that the report will be filed without further action, unless evidence becomes available later. The officer will give the complainant a Citizen Notification Card, DPD 233A, instructing the complainant to contact the Traffic Investigations Unit in the event the complainant obtains additional information.
- c. The officer will then complete the accident report, form 2447, and after describing the accident, he will write in the body of the report, "This report will be carried as closed unless additional information is obtained."
- d. The officer will turn the report in for supervisory approval and forward to the Records Section for filing.
- e. The officer will not fill out a traffic case summary.
- f. If the early case closure involves any vehicle owned, operated, or leased by the Denver Police Department, enter "ECC-DPD" in the agency code box.
- g. If the early case closure involves any vehicle owned or operated by the Denver Fire Department, enter "ECC-FIRE" in the agency code box.
- e. District Number: Enter the District or Bureau number of the reporting officer, followed by the precinct of occurrence.

District/Bureau Number Assigned To:

- 1 District 1
 - 2 District 2
 - 3 District 3
 - 4 District 4
 - 5 District 5
 - 6 District 6
 - 7 Highway / HazMat Units
 - 8 Selective Enforcement Unit/Motorcycle Enforcement Units
 - 9 Accident Cars, DUI Cars & Traffic Investigations Unit
 - 10 DIA Police Bureau, METRO/SWAT, Gang Bureau, Vice and all others not listed
- f. Describe Accident: Use the following format to describe the accident factually and concisely.
1. Traffic Unit #1 (name), traveling (direction), on (street), at a stated speed of (mph), (describe action/violation) and struck (or was struck by), Traffic Unit #2 (name), traveling (direction), on (street), at a stated speed of (mph).
 2. Another paragraph will be added to describe the actions of the Traffic Units after the impact. Accident reports that do not follow the outlined format of DPD procedures, department modifications or modifications made to the State of Colorado Investigating Officer's Traffic Accident Reporting Manual (11/05), will be returned to the reporting officer's commander for correction.

3. Do not include drivers' statements in the body of the report. Driver statements shall be recorded in the reporting officer's statement of the General Offense or as scanned images, if the statements are handwritten.
 4. All locations will be complete, indicating the type of thoroughfare and the direction.
 5. Do not list witnesses' names and addresses in the body of the report. Witnesses shall be recorded in the General Offense report as entities and any statements of their observations shall be recorded in the reporting officer's statement or as scanned images, if the statements are handwritten.
- g. Diagram Section: The diagram section is used to present a pictorial description of the narrative portion of the report.
1. Diagrams are required for the following types of accidents:
 - a. Fatal accidents
 - b. Injury accidents
 1. Evident incapacitating: Any injury, other than a fatal injury, that prevents the injured person from walking, driving or normally continuing the activities the person was capable of performing before the injury. Examples include severe lacerations, broken limbs, and skull, chest, or abdominal injuries.
 - c. Hit-and-Run accidents
 1. Diagrams for hit-and-run accidents shall depict the most likely scenario of how the vehicles came into contact with each other and indicate how the damage occurred based on victim/witness statements and the officer's on-scene investigation, even if the vehicles were moved prior to the officer's arrival on-scene.
 - d. Accidents involving city vehicles, city property, or on-duty city employees.
 - e. Accidents involving a DUI, DUID, or DWAI.
 - f. Incomplete Reports
 - g. Nothing in this policy precludes an officer from completing a diagram on an accident report.
 2. The diagram will be drawn using ScenePD and electronically uploaded/attached to the accident report.
 3. Measurements will be included in the diagram on all fatal and injury accidents, or anytime measurements are necessary to prove the elements of the offense.
 - a. The measurements indicating point of impact shall be included on the diagram unless the following circumstances exist:
 1. The vehicles were moved and the drivers are unable to pinpoint where the collision occurred and
 2. There are no other witnesses present and
 3. There is a lack of physical evidence showing the location of impact.
 - b. The measurements indicating the length of the paths of difficulty shall be included on the diagram. Paths of difficulty include:
 1. Skid marks
 2. Scuff marks

- c. If measurements cannot be taken, it shall be noted in the accident diagram with an explanation. The mere fact that the vehicles were moved prior to the officer's arrival is insufficient as the sole explanation. See OMS 208.01(3)c. and 208.01(8).
 - h. Insurance information: If a city-owned vehicle is involved, use the three blocks provided for insurance information to write in "Government vehicle, self-insured municipality."
 - i. Officers will provide to every driver and the owner(s) of the damaged property involved in an accident the Accident Victim Information Sheet, DPD 599.
- (4) When making a traffic accident report, officers have the responsibility of determining any violation and initiating appropriate court action.
 - a. When a driver is cited for an accident causing violation on the Uniform Traffic Summons & Complaint/Penalty Assessment Notice, the officer will mark the "Accident" box and the "Significant Property Damage" box if the resulting damage to any vehicle or property of another person is moderate or extreme (damage severity code "2" or "3"). If an injury/death has occurred as a result of the accident, the "Personal Injury/Death" box will also be marked.
 - b. If the elements of an offense are lacking, and the officer is unable to obtain evidence sufficient to support a charge, none should be filed. Under these circumstances, the officer shall include in the body of the report the reason no citation is issued, i.e., "No citation issued due to conflicting statements, lack of witnesses and/or physical evidence".
 - c. List all witnesses, including the other driver(s) on the back of the City Attorney's Copy.
 - d. Enter the issuing officer's correct bureau number on the space titled "BUR" on the Summons and Complaint/Penalty Assessment Notice. See OMS 203.02(3)e.
- (5) Upon review and approval by a supervisor, completed reports shall be delivered to the Records Section through the online approval process within the MRE System. If citations have been issued, they shall be forwarded by the issuing officer to the Records Section via Inter-departmental mail. THE OFFICER MUST SUBMIT FOR APPROVAL ALL ACCIDENT REPORTS AND MAKE ALL REQUIRED CORRECTIONS BEFORE THE OFFICER GOES OFF DUTY.
- (6) All suspects arrested for traffic charges such as DUI or hit-and-run shall be taken to the Traffic Investigations Unit with the appropriate reports. See OMS 204.05.
- (7) Accidents involving snowmobiles:
 - a. The operator or owner of any snowmobile involved in an accident resulting in death, injury or property damage is required to notify the law enforcement agency having jurisdiction. C.R.S. §33-14-115.
 - b. The operator or owner of the snowmobile is further required to report the accident, within forty eight (48) hours, to the Denver Office of the Colorado Division of Parks and Outdoor Recreation on a report form furnished by the Division. Officers will advise such owner or operator that they are required to report the accident to the Division. Supplies of the "Snowmobile Notice of Accident" report will be maintained in the Traffic Investigations Unit.
 - c. In the event a police report is generated by members of the department (Motor Vehicle Accident Report or Non-Traffic Accident Report), a copy of the completed report will be sent to the office of the Division Chief of Special Operations. That copy will then be forwarded to the Colorado Division of Parks and Outdoor Recreation.
- (8) Accidents Involving Railway Trains and R.T.D. Light Rail.
 - a. Traffic accidents involving a train or a light rail train and a motor vehicle will be investigated and reported as a motor vehicle accident.
 - b. Collisions involving a train or light rail train and a bicycle or pedestrian will be investigated and reported as a non-criminal/non-traffic accident. See OMS 203.12

203.03 Fatal and Serious Bodily Injury Accidents (revised 12/2014)

- (1) The investigation of a fatal accident follows the same procedure as an ordinary traffic accident. Great care should be exercised in preserving all physical evidence. The incident commander shall summon sufficient resources to block roadways and secure the scene with crime scene tape to protect evidence from contamination. Once all life saving activities have been concluded at the scene of a fatal or serious bodily injury accident, the incident commander shall focus primarily on the preservation of evidence and the safety of all officers investigating the accident. Upon an officers' arrival at the scene of a fatal accident, or one in which confirmed serious injuries have occurred the dispatcher shall immediately be notified to contact the Traffic Investigations Unit detectives.
 - a. A Traffic Investigations Unit detective or supervisor will contact the on-scene officer and based upon the information obtained one of the following will take place:
 1. The officer will be instructed to handle the accident, or
 2. The officer will be requested to hold the scene until the victim's condition is evaluated at the hospital and confirmed as serious bodily injury, or
 3. The officer will be requested to hold the scene and TIU personnel will respond to the scene and to assume control of the accident.
 - b. The following are some of the criteria used by TIU personnel in determining when they will respond to a scene:
 1. Fatality to anyone involved in the accident
 2. Serious Bodily Injury to anyone involved in the accident
 - a. Serious Bodily Injuries include:
 1. An injury with a substantial risk of death, or
 2. A substantial risk of serious, permanent disfigurement, or
 3. A substantial risk of protracted loss or impairment of the function of any body part or organ of the body, or
 4. Severe lacerations, or
 5. Fractured or broken bones/cartilage (to include any and all breaks, fracture(s) and/or hard tissue injury such as, bone, teeth or cartilage)
 6. Distorted limbs, or
 7. Internal injuries, or
 8. Burns of the second or third degree
 - b. Detectives may request the on-scene officer to confirm serious bodily injury from hospital personnel before responding to the scene if the injured party was transported for "possible" head/internal injuries.
 3. If the victim is unconscious or unresponsive
 4. The age of the victim
 5. The medical history of the victim, if known
 - c. The on-scene officer may be instructed, at the discretion of a TIU supervisor, to handle the investigation and reporting of a serious bodily injury accident under the following circumstances:
 1. The collision involves only one moving vehicle, and
 2. The only seriously injured person is the operator of that vehicle, and
 3. No other persons were involved, and
 4. The injured person is not likely to die as a result of the collision (i.e. a single motorcycle rider hits a parked vehicle and breaks his/her ankle, wrist, finger, etc.)

- (2) At the scene of a traffic accident involving death or serious injury, the Traffic Investigations detective or ranking officer from the Traffic Investigations Unit is in complete charge of the investigation, regardless of the rank of officers present from other divisions or bureaus.
 - a. On any commercial Motor Vehicle (CMV) accident involving SBI or fatality within the Denver City limits, an on-duty DPD truck inspector assigned to the Highway/HazMat Unit at Traffic Operations, if available, shall be called to the scene. At the direction of and in cooperation with the TIU personnel, a safety inspection shall be conducted on any CMV involved in SBI or fatal accident. If no inspector is on-duty, TIU may determine that it is necessary to call one out from home through Denver 911.
- (3) All witnesses will be asked to provide a statement. Officers shall positively identify all witnesses and request that they remain at the scene until TIU detectives arrive. Officers will direct witnesses to complete a handwritten statement. Upon arrival, detectives will triage all witness statements to determine which witnesses will be asked to make audio or video recorded statements. Detectives will coordinate with the incident commander to arrange for the transportation of any witnesses requiring video-recorded statements to the Traffic Investigations Unit office.
- (4) The Medical Examiner is the immediate custodian of the body and personal property of deceased persons in the City and County of Denver. Officers shall not search the body of a deceased person under any circumstances. The Medical Examiner will make the search.
- (5) TIU investigators shall coordinate with the Medical Examiner for the removal of any body part or significant body tissue that remains at the scene of a fatal or serious bodily injury accident where the deceased or injured person was removed, prior to releasing the scene. The Denver Fire Department shall be summoned to wash blood from the scene at the conclusion of the investigation.
- (6) TIU investigators shall attend the post-mortem examination of all traffic fatalities where charges will be direct filed or where the case will be presented to the District Attorney for a filing decision.
- (7) The commanding officer of the Traffic Investigations Unit shall be notified immediately of all fatal and serious bodily injury traffic collisions that are a result of police action. The TIU commanding officer shall respond to the scene and assume command of the investigation. If a Denver police officer initiated the police action, the TIU commanding officer shall coordinate investigative activities with the Internal Affairs Division and the Office of the Independent Monitor.
- (8) TIU detectives shall ensure the evidence on the scene of all fatal and serious bodily injury accidents they investigate is thoroughly documented with measurements, digital photographs and friction testing that may be needed for future collision reconstruction.
- (9) Upon arrival at the scene of all fatal accident cases where charges are likely, TIU detectives will contact and confer with the on-call District Attorney. Upon arrival at all fatal and serious bodily injury accident cases where the victim is a minor, TIU detectives will contact and confer with the Missing and Exploited Persons Unit.
- (10) TIU detectives shall ensure the General Offense is coded with the appropriate offense code for all fatal and serious bodily injury accidents before going the end of shift to comply with the required notification of the Victims Assistance Unit.
- (11) The Traffic Investigations Unit detective assigned the fatal accident investigation will ensure that the following reports are completed and routed to the appropriate agencies:
 - a. The State of Colorado Fatal Traffic Accident Supplemental report (DR 2447A), forwarded to the Colorado Department of Revenue upon completion of the investigation.
 - b. The Colorado Department of Transportation Fatal Accident Early Notification Report (Blotter), forwarded to CDOT FARS, CSP and DOR within 24-hours of being notified of a fatality regardless of whether the deceased has been positively identified or not.

203.04 Hit and Run Accident Investigation (revised 12/2014)

- (1) Scene Investigation
 - a. If possible, officers shall immediately obtain and broadcast a description of the suspect vehicle and its occupant(s).
 - b. Officers shall interview witnesses, concentrating on those who can identify the driver and vehicle, and who can relate the facts of the accident.

- c. The scene shall be examined for physical evidence.
- d. The neighborhood shall be canvassed for additional witnesses.
- e. If a license plate number or vehicle description for the suspect vehicle is obtained, this information and the suspect vehicle listing should be documented on the Traffic Case Summary, but not on the Accident Report, except as provided for in OMS 203.04(1)(g) or 203.04(6)(b).
- f. Officers shall make every reasonable effort to locate the suspect vehicle.
- g. In those cases where the driver has fled on foot and left the vehicle at the scene, the vehicle description will be completed in the appropriate spaces on the accident report.
- h. When the victim of a hit and run accident was responsible for causing the accident, the investigating officer shall cite at the scene the at-fault driver.

(2) Suspect Vehicles

Officers who observe or impound a vehicle which they suspect might have been involved in a Hit and Run accident shall ascertain whether the vehicle is currently wanted or if it is associated with a General Offense in the RMS. If not wanted, a Letter to Detective describing the damage and any other pertinent information shall be generated in the RMS with the vehicle being entered as an entity and the Letter shall be routed to the Traffic Investigations Unit.

(3) Protection of Evidence

Officers impounding vehicles for Hit and Run shall write on the Impound/Recovered Vehicle Report, DPD 224, "Hold for TIU". In fatal and serious bodily injury hit and run cases, suspect vehicles will often be towed to an evidence cage. An officer is required to follow any suspect vehicle being towed to an evidence cage to maintain chain-of-custody. Upon securing the vehicle in an evidence cage, the officer will complete an entry in the evidence cage log.

(4) Processing of Evidence

- a. All evidence found at the scene of a Hit and Run Accident shall be properly marked and identified, then taken to the Property Bureau and processed according to the procedures established in OMS 106.02(1)a. The fact that evidence was placed in the Property Bureau will be noted in the Traffic Case Summary.
- b. In serious Hit and Run Auto-Pedestrian Accidents, Traffic Investigations Unit detectives shall be notified. The victim's clothing shall be retained and processed as evidence.

(5) Arrest of Violator

- a. When suspected hit and run drivers are apprehended, they shall be taken to the Traffic Investigations Unit prior to being charged or jailed. If TIU is closed, officers shall contact the on-call detective via phone to determine how the suspect will be processed. If all TIU detectives are unavailable, and it is during TIU's normal operating hours, officers shall contact an on-duty TIU detective via the radio or phone to determine how the suspect will be processed. Suspects who are transported to the Traffic Investigations Unit office shall be placed in a holding cell. Prior to doing so, officers shall completely search the suspect and place all personal property into the cabinet outside the holding cell. This includes belts, laced shoes, scarves, or anything that may be used by the prisoner to injure themselves or others. Officers shall then enter the suspect's information and time of arrival in the holding cell log book located outside the holding cells. The detective shall be notified of the suspect's location and demeanor.
- b. The accident report will be completed and include the identity of the suspect driver and suspect vehicle description prior to submission for approval. A Traffic Case Summary with details of the investigation and arrest will be completed and submitted within the General Offense report.

(6) Early Case Closure - Hit and Run

- a. Based on their investigation, the investigating officer shall determine if there is sufficient information and evidence to file charges against an identifiable suspect. The investigating officer must first thoroughly check the accident scene and surrounding area and contact neighbors for possible information. Investigative leads would include:
 - 1. The victim has a complete license plate number of the suspect vehicle, or

2. The victim has a partial license plate number of the suspect vehicle and the make, style, and color of the suspect vehicle, or
 3. The suspect driver is known to the victim or to a witness, or
 4. A witness (present or not present) can identify the suspect or provide the license plate number of the suspect vehicle, or
 5. When there are possible issues or leads that the reporting officer believes require further follow up investigation.
- b. If the investigating officer determines there is insufficient evidence forthcoming to file charges, the officer will inform the complainant that the report will be filed without further action, unless evidence becomes available at a later date. The officer will give the complainant a Citizen Notification Card, DPD 233A, instructing the complainant to contact the Traffic Investigations Unit in the event the complainant obtains additional information.
 - c. The officer will then complete the State of Colorado Accident Report form (DR2447), and after describing the accident, will write in the body of the report, "This report will be carried as closed unless additional information is obtained." All sections on both pages of the accident report must be completed. The officer will mark "ECC" in the box marked Agency Code on the accident report. The officer will then close the case in RMS and will not route it to the Traffic Investigations Unit.
 - d. The report will be submitted in accordance with OMS 203.02(5).
 - e. The officer will not fill out a traffic case summary.

(7) Medina Alert and Medina Notification Procedures

a. Medina Alert

1. In 2014, the Medina Alert was signed into law in Colorado. It enables law enforcement agencies to have a hit and run suspect vehicle description broadcast on the Colorado Department of Transportation's variable message boards. The law has detailed and specific requirements for the posting of this information.
2. The Traffic Investigations Unit is solely authorized to issue and cancel a Medina Alert.
3. A Medina Alert shall be issued in all applicable cases unless the alert would jeopardize the investigation or apprehension of the suspect.
4. Personnel from TIU will only issue a Medina Alert if the following criteria are met:
 - A person killed or inflicted serious bodily injury upon a person during a motor vehicle accident and fled the scene, and
 - The complete license plate number of the suspect's vehicle is known, or
 - A partial license plate number along with the suspect vehicle's make, style and color is known, or
 - The identity of the suspect is known.
5. Personnel from TIU will issue a Medina Alert as soon as possible by contacting Denver911 via radio or phone. TIU personnel will provide the known information to Denver911 and will describe the location of probable damage on the suspect's vehicle.
6. If the suspect is apprehended or the suspect vehicle is recovered while the Media Alert is in effect, personnel from TIU will contact Denver911 via radio or phone and cancel the alert.

b. Medina Notification

1. A Medina Notification is a lower level alert used to report any suspect or suspect vehicle information to surrounding jurisdictions and the local media when the criteria for the Medina Alert are not met.
2. The Traffic Investigations Unit is solely authorized to issue and cancel a Medina Notification.

3. Personnel from TIU will issue a Medina Notification only when a fatal or serious injury hit and run accident has occurred and limited information about the suspect's vehicle is known.
4. A Medina Notification shall be issued in all applicable cases unless the notification would jeopardize the investigation or apprehension of the suspect.
5. Personnel from TIU will issue a Medina Notification as soon as possible by contacting Denver911 via radio or phone. TIU personnel will provide the known information to Denver911 and will describe the location of probable damage on the suspect's vehicle.
6. If the suspect is apprehended or the suspect vehicle is recovered while the Media Notification is in effect, personnel from TIU will contact Denver911 via radio or phone and cancel the alert.

203.05 Reporting Accidents Involving Hit and Run, DUI, or Drivers' License Restrictions (rev 12/2014)

Investigating and reporting procedures for such accidents are the same as outlined in the general accident procedures with these modifications:

- (1) DUI cases require a Sobriety Examination Report, DPD 243, and a Miranda Advisement, DPD 369. These reports are in the DUI packet in the DUI Room. Procedures to follow from this point are outlined in OMS 204.02.
- (2) Hit and Run investigations require that a Traffic Case Summary be completed within the General Offense report.
- (3) Accidents involving persons operating motor vehicles in violation of license restraints, such as Driving under Suspension, Denial, Revocation, or Cancellation will be handled as outlined in OMS 204.10.

203.06 Private Property Accidents

- (1) If necessary, in compliance with OMS 102.05 (17) Denver 911 will dispatch an officer.
- (2) An Accident Report shall be made by each officer dispatched to the scene of a private property accident. When an officer observes the accident or is notified of an accident by any means, they will complete the necessary reports whenever there is an injury, fatality, hit and run, or alcohol involvement is indicated.
- (3) In addition to the State statutes regarding hit and run, and D.U.I. cases a Denver police officer may cite the violators involved in private property accidents with violating the following ordinances:
 - a. Reckless Driving - RMC 54 -126
 - b. Drag Racing - RMC 54 – 159
 - c. Careless Driving - RMC 54-158 (*should be included with the charge of Drag Racing)
 - d. Violations of any other traffic ordinance, such as unsafe backing or speeding, must be charged only as careless driving. The listed ordinances are the only ordinances interpreted as being applicable to private property accidents.
- (4) The rules of issuing traffic citations on private property are the same as those applying to City property. The violations must either be witnessed by the officer or, in the case of an accident; the officer must have probable cause to believe the violation did in fact occur.

203.07 Counter Reports

- (1) A counter report is advisable if there has been a time delay in reporting.
- (2) A counter report or on-line report may be made for any Hit and Run traffic accident where no solvability factors are present at the time of reporting.
- (3) If a citizen files a counter report, or on-line report for a hit and run accident, then later discovers information that may lead to the identification of the hit and run driver, they should be advised to contact the Traffic Investigations Unit for a determination if an investigation will be initiated.
- (4) All officers and district station clerks are to inform the citizen that NO further action will be undertaken when a counter or on-line report has been filed except as noted in 203.07(3).

- (5) These reports are to be identified by the words "Counter Report", with the date and time marked in the lower right portion of the Accident Report. The precinct number of occurrence shall also be entered in the proper box.
- (6) Officers taking or assisting in completing counter reports shall not sign the accident report form.
- (7) All counter reports will be stamped with the date and time the report was made at the station. When a citizen takes the report from the station to complete, the officer will stamp the report with the date and the time the report was given to the citizen. This procedure is necessary to assist in hit and run investigations.
- (8) Counter reports are confidential and will not be released at a later date. Citizens should be advised to make a copy for their records when they make the report.
- (9) Traffic accidents may be too numerous for reasonable response in inclement weather. The station clerk or an officer at the district station shall assist citizens in making an accident report at the substation or at headquarters without returning to the accident scene. Per OMS 102.05 (17)b. The report is to be stamped "Counter Report" and no further action taken.
- (10) Any time that a counter report for an automobile accident would be indicated or recommended it shall be the policy of the police department to also offer the option of an internet report. Internet reports may be accessed via the World Wide Web at <http://www.denvergov.org/Police>. Counter reports of internet reporting shall not be considered a substitute, when the Operations Manual Policy and Procedure mandates or recommends a police response. Internet reporting is strictly an option and not an alternative for those situations where citizens prefer to appear in person to complete a counter report. Officers will not discourage citizens from appearing at a police facility to complete an accident counter report.

203.08 Accidents Involving Police Equipment and Personnel (Revised 12/2014)

- (1) When a vehicle assigned to the Denver Police Department is involved in a traffic accident, the report will be classified as: "Police Equipment" accident report.
 - a. A traffic accident report shall not be made if a police vehicle equipped with push bumpers causes unintentional damage to a disabled vehicle being pushed. A supervisor shall respond to the scene to assess the damage. The involved officer will write a letter explaining the circumstances of the damage and forward it through the chain of command to the Civil Liability Bureau.
 - b. A traffic accident report shall be made if any damage or injury results from a collision involving a disabled vehicle being pushed by a police unit equipped with push bumpers and a person or other object. See OMS 203.02 (10).
- (2) All accidents involving police equipment shall be reported and investigated.
 - a. Officers involved in motor vehicle accidents while driving police equipment shall remain at the scene or within close proximity until the arrival of investigation officers, unless exigent circumstances prevent compliance with this section. The vehicles involved in the accident will not be moved unless they present a safety hazard or there is an exigent reason.
 - b. A supervisor will respond to the scene to ensure proper investigation procedures are followed and required notifications are made. The involved officer's supervisor will also respond, when practical.
 - c. The commanding officer of the Traffic Investigations Unit (TIU) shall be notified of ALL police equipment accidents. The State of Colorado Traffic Accident Report, form (DR2447), and all accompanying paperwork will be forwarded to the commanding officer of TIU. See OMS 203.08 (6).
 - d. District/Bureau commanders or their designee will ensure that within three (3) business days of an accident involving a police vehicle, the vehicle is taken to the Police Garage Facility for the completion of an inspection outlining necessary repairs. This written repair/damage estimate including the estimated cost of repairs will be immediately forwarded by the Police Garage to the City and County of Denver's Risk Management Bureau for insurance purposes.

- (3) Accident reports involving police equipment shall be complete.
 - a. Police equipment reports shall contain vehicle unit numbers and license plate numbers.
 - b. Officer's home address shall be shown as the address of the station they are assigned to.
 - c. Officer's home phone numbers shall not be shown on the report.
 - d. The report shall include the other person's insurance company and policy number when available
 - e. Insurance coverage for the police vehicle will be shown in the insurance information blocks as: "A Government Vehicle, self insured municipality". This is a mandatory entry to comply with the Colorado Financial Responsibility Law. See OMS 208.08 (12).
 - f. All police equipment accidents will have "DPD" entered in the agency code box on the accident report.
- (4) Traffic charges will be cited at the time of the initial investigation under the following circumstances:
 - a. The other driver is obviously in violation of the law. Charges are subject to the approval of the officer in charge of the investigation.
 - b. The driver of the police equipment is a CSA employee and is obviously in violation of the law.
- (5) TIU will ensure the Denver District Attorney's Office review all cases where an officer is involved in a fatal or serious bodily injury accident. Officers that are determined to be at-fault in accidents involving serious bodily injury/death to any involved party, where the DA determines criminal charges are warranted, will be issued a summons or criminally processed for the appropriate violation in coordination with TIU and IAD. At the conclusion of the investigation, the case will be processed through the Conduct Review Division. The criminal case will be in addition to any discipline administered through the point assessment scheduled discipline procedure. See OMS 203.09
- (6) Traffic Investigations Unit detectives will respond to all police equipment accidents where damage, injury or death occurs as a result of the accident. Police equipment accidents involving fixed objects or single vehicle accidents with no injuries will be handled by the officer's supervisor.
 - a. The Traffic Investigations Unit detective or ranking officer from the Traffic Investigations Unit is in complete charge of the investigation, regardless of the rank of officers present from other divisions or bureaus. The TIU detective will advise the involved officer's supervisor that the initial investigation indicates the officer may be at fault or is not at fault in the accident in accordance with procedures for Post Accident Testing.
 - b. Traffic Investigations Unit detectives will process the scene in accordance with bureau procedures, including measurements, photographs, statements, Serious Bodily Injury report, DPD 21, and completing the appropriate sections of the Police Vehicle Accident Data Sheet, DPD 299.
- (7) Command or supervisory personnel have the following responsibilities when responding to a fixed object or single vehicle accident:
 - a. Determine if Traffic Investigations Unit detectives are required. If supervisors or command officers at the scene of an accident deem it necessary for Traffic Investigations detectives to respond, they will notify TIU and a detective will respond. A Traffic Investigations detective must be notified on all SBI accidents or accidents involving disabling damage to the police vehicle.
 - b. Supervise the accident investigation and approve the accident report. Determine if the criteria for Post Accident Testing (XO94) exists and if so, process the officer through the testing process in accordance with XO94. See OMS 503.01(10).
 - c. Determine appropriate charges in accordance with paragraph (4) of this section.
 - d. Complete the first section of the Police Vehicle Accident Data Sheet, DPD 299, including the XO94 Criteria box.
 - e. Take photographs pictures of the damaged vehicles and / or property.
 - f. Ensure that statements are taken from all drivers and witnesses.

- g. Send the entire package containing all of the original documents, to include: the accident report, data sheet, statements, photos and other pertinent documents (i.e. DUI) to the Commander of the Traffic Investigations Unit. Forward copies to the officer's chain of command.
- (8) Traffic Investigations Unit detectives will not respond to the following police equipment accidents:
- a. Auto – Fixed objects (unless OMS 203.08(7)a applies)
 - b. One car accidents
 - c. Unexplained minor damage
 - d. Traffic accidents involving other City agency vehicles unless there are serious injuries or death involved, or extenuating circumstances that indicate photos and measurements are to be taken.
 - e. Accidents occurring during a driver's training exercise, within the area designated as a driver's training facility, unless there are serious injuries or death involved, or other extenuating circumstances that indicate photos and measurements be taken. A non-Traffic Accident Report will be prepared. Injuries will be reported on a Work Injury Report, ADM – 4. These reports will be forwarded to the Police Garage. **A Colorado Traffic Accident Report (DR 2447) will not be completed.** Criteria for Post Accident Testing in accordance with XO 94 must be considered and testing completed if the criteria are met.
- (9) Traffic accidents occurring outside the city limits of Denver involving on duty officers.
- a. On duty officers involved in traffic accidents outside the City limits, shall notify the local law enforcement agency and request an investigation be completed for the incident. In addition, officers shall notify Denver 911 as soon as possible. This applies whether the vehicle is the property of the city, state, federal government, privately owned, rented or leased, provided that the vehicle is being used by the officer while on duty in an official capacity.
 - b. Discretionary authority to send Traffic Investigations Unit detectives to the scene of a police equipment accident outside the City limits lies with a supervisor, or the Commander of the Traffic Investigations Unit.
 - c. Officers shall return to their offices and report the accident to their supervisory or command officers as soon as possible. In the event Traffic Investigations Unit detectives did not respond to the accident scene, the supervisory or command officer will notify TIU of the accident.
 - d. It will be the responsibility of the Traffic Investigations Unit detectives to request copies of all necessary reports from the law enforcement agency investigating the incident.
- (10) Accidents occurring in Denver involving outside police agencies.
- a. When outside police agency vehicles and personnel are involved in traffic accidents while on emergency runs within the City and County of Denver, the Traffic Investigations Unit will be notified and will respond for photographs and follow-up investigation.

If a driver of a non-police vehicle is obviously in violation of the law, charges will be placed at the scene, subject to the approval of the Traffic Investigations Unit detective. In all other cases, the report will be presented to the City Attorney's Office by the Traffic Investigations Unit detective for determination of appropriate charges.
 - b. When the outside police agency's vehicle was NOT on an emergency run, the investigation and report shall be completed by uniformed officers. Traffic Investigations Unit detectives will not respond to the scene unless assistance is requested. If a driver of a non-police vehicle is obviously in violation of the law, charges will be placed at the scene. All other reports will be marked "INC" in the Agency Code box and sent to the Traffic Investigations Unit. Traffic Investigations Unit detectives will then present the reports to the City Attorney's Office for determination of appropriate charges.
- (11) When an off duty Denver Police officer, driving his private vehicle is involved in a traffic accident occurring within the City limits, and the State's minimum damage criteria is met, and at least one of the criteria in OMS 203.02 (1) is present, the officer shall notify the dispatcher and request that an on duty officer be sent to the scene to review the circumstances and determine appropriate charges.

- (12) The Colorado Division of Motor Vehicles (DMV) requires municipalities and other governmental entities to certify financial responsibility.
- a. This is accomplished by complying with the requirement contained in OMS 203.08(3)e. Insurance coverage will be shown in the insurance information blocks on the Traffic Accident Report (DR2447). Write in: "A Government Vehicle, self insured municipality". This is a mandatory entry on all accident reports involving police equipment.
 - b. In the event insurance information is omitted from the Traffic Accident Report the officer involved or their supervisor will be required to complete a DR2301. See OMS 109.02 (3).
 1. The State of Colorado Report of Motor Vehicle Accident (DR2301) is mostly self explanatory and requests much of the same information that is on the Traffic Accident Report (DR2447).
 2. In section #1, entitled: Your Information, complete all blocks in their entirety. The officer's bureau or district address is acceptable. In the block asking for the owner's name, write in "City and County of Denver", 201 W Colfax, Dept 1010, Denver, Colorado, 80202.
 3. In the block below section #1, next to: self insured, write in: "City and County of Denver".
 4. In the Insurance section, complete the name of the policy holder as: "Government Vehicle owned by the City and County of Denver, a self insured municipality"
 - c. Complete the other party's and/or the property owner information, which ever applies.
 - d. Failure to comply with this section will generate a warning letter from the DMV to the officer listed as the driver on the accident report. This warning letter must not be ignored.
 - e. If a warning letter is received, answer the questions asked and return the letter to the DMV. In response to the question concerning the insurance carrier, write in: "Government Vehicle owned by the City and County of Denver, a self-insured municipality" see C.R.S. §42-7-302. Disregard policy numbers and effective dates.
 - f. Failure to comply with these reporting requirements may ultimately cause a suspension of the officer's driver's license.
- (13) Traffic Investigations Unit detectives will collect information stored in the Sensing and Diagnostic Module using the Crash Data Retrieval tool (CDR) in police vehicles that are equipped with this feature and when the accident consist of any of the following:
- a. May have been the fault of the employee and the accident involves a fatality.
 - b. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident.
 - c. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or equipment; (Note: "disabling damage" for a vehicle accident is defined as precluding the departure of the vehicle from the scene of an accident in its usual manner).
 - d. The investigator suspects the involved officer has violated any department policy related to driving or operating the police vehicle, including any suspected violation of traffic laws.
 - e. The airbag in the police vehicle was deployed.
 - f. A current list of CDR equipped vehicles will be maintained in the Traffic Investigations Unit sergeant's office. If the police equipment is on the list, detectives who are trained in the operation of CDR will respond to the scene and collect the stored information. If a trained detective is not available or it cannot be determined if the police vehicle is on the CDR list, the police vehicle will be towed to the car pound and the data will be recovered as soon as it is practical.
 - g. In order to prevent unnecessary inconvenience to citizens, any non-police vehicle involved will be subject to CDR download only when the criteria of (12) a, b, or c of this section are met. If the investigator determines that the citizen is at fault under those same conditions, the vehicle will be towed to the pound and a warrant will be secured.

- h. In order to best preserve the information that is written to the SDM certain procedures must be followed.
 - 1. The vehicle ignition switch will be turned to the off position before it is loaded onto a tow truck, which will prevent contamination of the preserved information. This step will be completed just prior to towing. Do not alter the condition of the ignition switch until after investigators have inspected the vehicle. In cases where the vehicle is drivable, do not allow the tow driver to start or drive the vehicle to facilitate the tow. The ignition key should accompany the vehicle to the car pound.
 - 2. Factory certified investigators will download the information from the SDM and complete a written report of their findings. This report will be included with the case information that is forwarded to the commanding officer of the Traffic Investigations Unit.

203.09 Accident Review/Pursuit Review

- (1) All police vehicle accidents, pursuits, and incidents of eluding shall be reviewed by the Conduct Review Office according to the procedures established in this section. See OMS 203.08(2).
- (2) Accident Review Procedures.
 - a. Responsibilities of the Traffic Investigations Unit commanding officer (TIU):
 - 1. Compile a case file containing all reports, statements and other documents relating to the accident, including Police Vehicle Data Sheet, and Post Accident Drug and Alcohol Testing, DPD 667, if XO 94 criteria box is checked "yes" on data sheet. If a review of the Accident Data Sheet, DPD 299, indicates the criteria for post accident testing may have existed, but no test was completed, the accident review will include the request for XO94 procedures.
 - 2. Maintain a case numbering and data base record system for police fleet accidents. Review the database quarterly and prepare a quarterly report for the Chief of Police to include; accident violations, accident patterns, suggestions for training and other information as requested.
 - 3. Assure that all documents, statements and reports are identified with the case number assigned to that accident.
 - 4. Transmit a copy of the complete case file to the Conduct Review Office.
 - 5. Maintain a filing system for the original Accident Case file.
 - 6. Maintain a case tracking system utilizing the Accident Case Number.
 - 7. Maintain the Officers Driver History File and update officer's driving record.
 - 8. Upon receipt of a case, TIU will log the case in and send the case to the Conduct Review Office for review and appropriate action. The case file shall include a copy of the officers Drivers History Record.
 - 9. TIU personnel shall monitor the progress of each accident case and ensure its timely completion. This will include entering the final court adjudication on the officer's driving history of any citation issued.
 - b. Responsibilities of the Internal Affairs Division Commander (IAD):
 - 1. Assign an IAD case number to those cases found preventable by the Conduct Review Office.
 - 2. Process those accidents found preventable in accordance with standard IAD complaint procedures. Process the XO94 cases in accordance with standard IAD complaint procedures.
 - 3. Send a copy of the completed Police Vehicle Data Sheet, DPD 299, to the Traffic Investigations Unit to update the Police Fleet Accident Data File.
 - 4. IAD personnel and the Police Academy will coordinate the scheduling of Remedial Driver Training and monitor the attendance and progress of the officers ordered to attend according to the following directions:

5. IAD will immediately notify the Academy of the need to send an officer through Remedial Drivers Training.
 6. IAD will maintain the letters of notification and the letter indicating completion of the course in the officer's file.
- c. Police Academy Responsibilities:
1. The Academy will schedule the remedial driver training within thirty (30) days from the time that they are notified by IAD.
 2. The Academy will send a letter notifying IAD, the officer, and the officer's command of the training date.
 3. After the training is complete the Academy will send a letter to IAD indicating that the training was completed. If an officer fails to appear on the scheduled date of training IAD will be notified.
 4. The academy will maintain training records on remedial driving classes indicating who provided the training, what the training consisted of, and how the officer performed.
 5. IAD will maintain in the officer's file, the letters of notification and the letter indicating completion of the course.
- d. Responsibilities of the Conduct Review Office:
1. The Conduct Review Office will, after thoroughly reviewing the case file, classify the accident as preventable or not preventable.
 - a. Preventable: Accident was principally caused by driving actions in violation of traffic laws and/or department policy or contributed to by poor defensive driving practices.
 - b. Non-preventable: Unavoidable accident, proper defensive techniques were practiced.
 2. If the accident is found to be preventable, the Conduct Review Office shall take into consideration the severity of the accident (severity of injuries and damage) when assessing preventable points: The Conduct Review Office will then determine the primary cause, if applicable and relevant to the accident being reviewed.

When the consideration of the accident is complete, the Conduct Review Office shall report its findings on the Police Vehicle Accident Data Sheet, DPD 299, and shall make the following point assessment:

 - a. Accident Classification
Non-Preventable - 0 points

Preventable - 0 to 5 points, in addition to any points assessed for the primary cause, taking into consideration mitigating and/or aggravating circumstances surrounding the accident. There will be no preventable points assessed if the officer received a citation for the accident. Only primary cause points will be assessed.
 - b. Primary Cause
Violation of Department Emergency Driving Policy - 6 points. See OMS 112.08. Traffic violations will be assessed that number of points consistent with the penalty point schedule in state statute and used by the State Motor Vehicle Division to assess points against a driving record.
FOR EXAMPLE:
Reckless Driving - 8 points Careless Driving - 4 points Unlawful Backing, etc. - 2 points
 4. If the accident has been found to be non-preventable, the Conduct Review Office will forward the completed DPD 299 through the chain of command to the Traffic Investigations Unit.
 5. If the accident is found to be preventable the Conduct Review Office will:
 - a. Obtain an IAD case number.

- b. Proceed in accordance with the provisions contained in OMS 503.02 except those provisions which by their very nature may have no application.
- c. Check the involved officer's prior department driving record and apply the points assigned in the current accident case to those points accumulated by the officer over the previous two-year period (24 months).
- d. Apply this point total to the Departmental Accident Point classification:
 - 1-4 points: Oral Reprimand
 - 5-9 points: Written Reprimand
 - 10-15 points: A fine of one to five days
 - 16-20 points: Suspension from three to ten days without pay and Remedial Driver's Training.
 - 21 or more points: Suspension for a minimum of five days without pay or more stringent action as appropriate, and Remedial Driver's Training. The Conduct Review Office or the officer's Commander may, at any time, recommend Remedial Driver's Training in addition to any other disciplinary recommendation prescribed.
- e. Officers, who have been involved in two (2) or more preventable accidents within the previous two-year period (24 months), shall be required to attend remedial training. However, the Conduct Review Office or the officer's commander may, at any time, recommend Remedial Driver's Training in addition to any other disciplinary recommendation prescribed.
- f. The Conduct Review Office shall review all the pertinent facts and make a penalty recommendation on DPD 299. Penalties specified in the Accident Point Classification table shall be the minimum penalties recommended. Flagrant violations, extreme damage and/or injuries may result in more severe disciplinary recommendations.
- g. Driving schools shall be provided by the department and may be either a defensive driving course or an emergency driving and maneuvering course.
- h. Accidents involving Career Service employees will be reviewed in the same manner as Civil Service employees. Accidents found to be preventable will be processed according to Career Service Authority Rules and Regulations.

(3) Pursuit Review/Eluding

- a. All pursuits and eluding incidents will be subject to a review process that will be conducted by the Conduct Review Office.
- b. The process will be initiated when the pursuit manager completes a Vehicular Pursuit Report, DPD 453, or the officer completes an Eluding, No Pursuit Report. The original copy of either report, any pertinent statements, and copies of any other related reports shall be forwarded to the Commander of the Traffic Investigations Unit. TIU will have the responsibility of compiling a case file that will include a copy of the radio tape for all pursuits. A copy of the case file will be forwarded to the Conduct Review Office.
 - 1. The Traffic Investigations Unit will be responsible for assigning a sequential pursuit case number to each case and will track all appropriate statistics concerning police pursuits.
 - 2. All original documents will be maintained on file in TIU.
- c. The Conduct Review Office will review the pursuit or eluding case file documents including the tape recorded radio transmission of the pursuit.
- d. At the completion of the Conduct Review Office review, the report will conclude with classification into one of the following:
 - 1. IN POLICY - The pursuit was conducted in compliance with department policies and procedures.
 - 2. POTENTIAL VIOLATION FOUND - A possible violation of department policy or procedure has been detected by the Bureau/District Commander.

- e. Cases that are found to be IN POLICY by the Conduct Review Office will be returned to the Traffic Investigations Unit, where the case will be closed out.
- f. In cases where the Conduct Review Office finds a POTENTIAL VIOLATION FOUND, the following procedures will apply:
 - 1. The Conduct Review Office will contact the Internal Affairs Division so the IAD can assign an IAD complaint log number to the case.
 - 2. In cases where the information in the case file is complete, the Conduct Review Office will process the case per standard procedure and make a finding.
 - 3. In cases where further investigation is necessary, the file will be forwarded to the Internal Affairs Division to allow such investigation to be conducted.
 - 4. At the conclusion of the further investigation, the IAD will return the case to the Conduct Review Office and findings will be determined.
- (4) The Chief of Police shall have final departmental authority and responsibility for disciplinary and corrective action. See Sections C5.73-1 and C5.73-2 of the Denver City Charter.

203.10 Accidents Involving Fire Equipment, Ambulances, and other City Vehicles

- (1) Traffic Investigations Unit detectives will not respond to minor injury or property damage only accidents involving Denver Fire Department equipment, Denver Health Medical Center ambulances, Parking Control vehicles, Sheriff vehicles, District Attorney vehicles, County Court Marshal vehicles, or Public Works vehicles involved in snow removal, street maintenance or signal light repair, unless requested by a supervisory officer at the scene. Traffic Investigations Unit detectives will respond and assist the investigating officer with measurements and photographs, if necessary, and will only assume responsibility for the investigation if it is determined to meet the criteria specified in OMS 203.03(1).
- (2) Accidents involving City owned vehicles shall be handled in accordance with OMS 203.00, subject to the following conditions:
 - a. If a driver of a privately owned vehicle is involved in an accident with a City owned vehicle and is at fault, appropriate charges will be placed by the investigating officer at the time of the report.
 - b. Traffic Investigations Unit detectives will respond to all accidents involving any Denver Fire Department vehicle, Denver Health Medical Center ambulance, or any private ambulance, using emergency equipment, except in the following situations:
 - 1. Auto-Fixed Objects.
 - 2. One-car Accidents.
 - 3. Unexplained minor damage.
 - c. If a Denver Fire Fighter operating a Denver Fire Department vehicle is involved in a minor injury or property damage only accident (including damage to another vehicle), and the Fire Fighter is at fault or is the cause of the accident, an accident report will be made. The investigating officer will mark the report "INC-FIRE" and will write "Charges Pending" in the "Primary Violation" box. The investigating officer is not required to complete a Traffic Case Summary in this instance but shall indicate in the narrative section that the accident involved a Denver Fire Department vehicle. The report will be turned in for approval and sent to the Records Section.
 - d. In all cases when the driver or any other City owned vehicle is at fault or is the cause of an accident, the investigating officer will mark the report "INC" in the Agency Code box, and will write "Charges Pending" in the "Primary Violation" box. The investigating officer is not required to complete a Traffic Case Summary in this instance. The report will be turned in for approval and sent to the Records Section. Records Section personnel will process the report like any other incomplete report and route it to TIU. Traffic Investigations Unit detectives will present the case to the City Attorney's Office for determination of appropriate charges.

- e. When any City owned vehicle is identified as the suspect vehicle in a hit and run accident, the reporting officer shall notify TIU immediately. The commanding officer of the Traffic Investigations Unit or his designee shall determine if detectives will respond to assist with the investigation. In all instances where the Traffic Investigations Unit detectives do not respond, the completed accident report and traffic case summary shall be completed and routed to TIU for processing.
 - 1. When the suspect vehicle belongs to the Denver Police Department, the commanding officer of the Traffic Investigations Unit or his designee shall notify IAD as soon as practical.
- f. Also see OMS 203.02(1) c. and g.

203.11 Jurisdictional Disputes Re: Accidents


- (1) When an accident occurs on or near a Denver City and County boundary line, the responsibility to investigate and report the accident rests with the police agency having jurisdiction where the first harmful event occurs.
 - a. The first harmful event is defined as the first point of injury or damage in the sequence of events in a traffic accident. A traffic violation is not, in and of itself, considered to be a harmful event.
 - b. Appropriate traffic charges will be placed at the scene.
- (2) When a jurisdictional dispute arises at the scene of an accident, on or near a Denver boundary line, which cannot be resolved by the Denver Police Department officers and other police agencies at the scene, and it appears a report will not be made by any other agency, the accident report will be made by the Denver Police officer and appropriate traffic charges will be placed at the scene.

203.12 Accidents Involving Utility Installations

- (1) Officers shall treat damage to installations located on City property as a criminal incident, if evidence at the scene indicates malicious intent. Officers shall follow the prescribed procedures of the applicable City Ordinance or State Statute violation. Such installations shall include those owned or operated by the XCEL Energy, Century Link, Regional Transportation District, Western Union, Denver Water Board or any City agency, as well as such objects as trees, shrubs, etc.
- (2) Reporting officers shall refrain from including personal opinion statements regarding visibility of lights, approval of barricades or any feature of the installation, but shall accurately describe such scenes as observed by them upon arrival. Statements of principals or witnesses should be included, as in all accidents.

203.13 Non-Traffic Fatal and Serious Bodily Injury Accidents (added 12/2014)

- (1) The Traffic Investigations Unit is responsible for investigating all fatal and serious bodily injury non-criminal and non-traffic accidents resulting from the movement of any wheeled device, not considered a motor vehicle, designed for the transport or movement of persons or property, occurring on or off the roadway.
- (2) This procedure relates primarily to any railway accident, construction/workplace accidents (indoors or outdoors) and single bicycle accidents (on or off the roadway). This procedure generally does not apply to accidents resulting from skateboards, rollerblades, toy cars, etc. An example of a wheeled device includes, but is not limited to:
 - Trains, heavy commuter rail, light commuter rail and trolleys
 - Bicycles, low-powered scooters, Segways and golf-carts
 - Construction vehicles, forklifts and farm tractors
 - Animal-drawn carriages
- (3) Officers and TIU detectives investigating non-traffic fatal or serious bodily injury accidents fitting the above criteria will follow the procedures established in OMS 203.03.

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- a. TIU detectives shall notify the United States Department of Labor Occupational Safety and Health Administration (OSHA) of all non-traffic accidents that occur in a construction zone or are related to the workplace. TIU detectives will coordinate with OSHA when conducting parallel investigations or will supply OSHA with all investigative documentation.

204.00 - VIOLATIONS – TRAFFIC

204.01 Police Pursuits

(1) Denver Police Department Pursuit Policy

- a. The policy of the Denver Police Department is to balance the need for immediate apprehension of a suspect with the need to protect the public from danger caused by the pursuit. All officers are reminded that their basic responsibility is to protect the public. When the danger of a pursuit exceeds the value of an immediate apprehension, public safety shall be paramount.
- b. A police vehicle pursuit may be engaged when an officer has probable cause to believe that a crime, as described by Colorado Revised Statutes, has been committed and has reasonable suspicion to believe the person being pursued committed that crime.
- c. Justification for engaging in a police vehicle pursuit must be limited to the facts known by the officer at the time a decision is made to engage in such pursuit. Information not established as fact at the time the pursuit is engaged, no matter how compelling, cannot be considered later, in determining whether the pursuit was justified. **Officers are authorized to engage in police vehicle pursuits only in the following circumstances:**
 1. When a suspect's actions while operating a motor vehicle, prior to an attempt to stop him or her involve such flagrant and dangerous behavior as to create a compelling need to attempt to stop the violator.
 - a. A compelling need is established when facts or circumstances are clear and convincing that a suspect's actions are so dangerous that they present an imminent threat of serious bodily injury or death.
 - b. A Compelling need does not include the following:
 1. The mere act of fleeing, no matter how recklessly
 2. Traffic infractions and licensing violations
 3. DUI, careless driving, and Hit & Run not resulting in serious bodily injury or death
 4. Property crimes including auto theft and joy riding
 5. Attempted vehicular assault
 6. Any crime that does not meet the conditions of Section 2 below.
 2. To effect the arrest or to prevent the escape of a person whom the officer reasonably believes has committed or is committing a felony involving the use, or threatened use of a deadly weapon, or a violent felony against a person.
 - a. Officers are prohibited from engaging in police vehicle pursuits in the following circumstances:
 1. When the pursuit is in a direction opposite to the flow of traffic on a divided roadway, unless authorized by the managing supervisor or a superior officer.
 2. When a passenger in the police vehicle is not an officer or academy recruit, unless a signed waiver of liability (Authorization to Ride Permit) has been executed before the ride along.
 3. When the police vehicle contains a prisoner or other citizen not covered under the above paragraph (d.2).
 4. When the officer is not the primary or secondary pursuit vehicle, unless authorized by the managing pursuit supervisor or a superior officer.
 5. In violation of any other provisions of this policy and procedure.

- b. These policies and procedures apply to all Denver police officers, including those assigned to multi-jurisdictional task forces and other law enforcement agencies, whether they are inside or outside the City and County of Denver.

(2) Definitions

- a. **BOXING IN** - Surrounding a violator's moving vehicle with moving pursuit vehicles, which are then slowed to stop along with the violator's vehicle.
- b. **CODE 9** - The response to a call for service or incident without using emergency lights and siren. The violation of any traffic laws during Code 9 driving is not authorized.
- c. **DEFLATION DEVICE** - Used to deflate the tires of a vehicle being driven by a suspect who is attempting to elude law enforcement authorities.
- d. **DENVER 911** - The component of the Denver Police Department responsible for broadcasting messages to law enforcement vehicles on police frequencies, receiving messages from police vehicles and monitoring messages between police vehicles. The communications section is commonly called "dispatch".
- e. **EMERGENCY OPERATION (Code 10)** - The act of driving a marked or unmarked police vehicle with the emergency lights and siren in operation while in pursuit of a suspect in accordance with the Uniform Motor Vehicle Law or applicable municipal ordinance.
- f. **FORCED-STOP METHODS** - The methods and tactics used to physically terminate a pursuit, including boxing in, heading off, ramming, P.I.T. Maneuver, and roadblocks.
- g. **HEADING OFF** - An attempt to terminate a pursuit by pulling ahead, alongside, and towards a violator's moving vehicle to force it to the side of the road or to come to a stop. This does not involve contact between the vehicles.
- h. **MANAGING SUPERVISOR** - The police supervisor (or higher-ranking officer) who manages a pursuit by providing direction and control via police radio. Managing supervisors are empowered to terminate or cancel a pursuit and specify the tactics to be used. The managing supervisor cannot be the primary or secondary vehicle in a pursuit. The managing supervisor has the authority to cancel a pursuit regardless of the rank of the involved officer(s).
- i. **MARKED UNIT** - A fully marked (standard) patrol car with operable lights and siren. A marked unit is the most suitable vehicle to conduct a pursuit.
- j. **OFFICER** - A fully commissioned Denver Police Officer or Denver Police Reserve Officer.
- k. **ORIGINATING JURISDICTION** - The jurisdiction in which a pursuit originates.
- l. **P.I.T. MANUEVER** - Intentional contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving suspect vehicle. The intention is to cause a suspect vehicle to spin away from its forward direction, thus terminating a pursuit.
- m. **POTENTIALLY DEADLY FORCE** - In terms of police vehicle pursuits, means force that the natural and probable consequence of which is death or serious bodily injury.
- n. **PRIMARY JURISDICTION** - The jurisdiction of the officer driving the primary vehicle.
- o. **PRIMARY VEHICLE** - The police vehicle driven by the officer initiating a pursuit or another police vehicle that takes the lead vehicle position.
- p. **PROBABLE CAUSE - ARREST BY A PEACE OFFICER – C.R.S. §16-3-102** A police officer may arrest a person when:
 - 1. He has a warrant commanding that such person be arrested; or
 - 2. Any crime has been or is being committed by such person in his presence; or
 - 3. He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested.

- q. **PURSUIT** - An active attempt by an officer operating a police vehicle (lights and siren = Code 10) to apprehend the operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle's speed, extinguishes the vehicle's lights, or makes some other overt action designed to avoid apprehension. Following a vehicle, whether accomplished with or without red lights on and siren sounding, whose driver is attempting to elude, either by increasing the vehicle's speed, or making some other overt action designed to avoid apprehension will also be considered a pursuit.
 - r. **RAMMING** - The deliberate act of impacting a suspect's vehicle with another vehicle in an attempt to force the suspect's vehicle to stop.
 - s. **RECEIVING JURISDICTION** - A jurisdiction which is entered by a pursuit that began in the originating jurisdiction.
 - t. **REASONABLE SUSPICION** - [C.R.S. §16-3-103 (1)] A police officer may stop any person who he reasonably suspects is committing, has committed, or is about to commit a crime and may require him to give his name and address, identification if available, and an explanation of his actions. The stopping shall not constitute an arrest.
 - u. **ROADBLOCK** - A restriction or obstruction used to affect the apprehension of a violator by preventing the free passage of motor vehicles.
 - v. **SECONDARY VEHICLE** – A police vehicle which becomes involved in a pursuit immediately following the primary vehicle and acting as the primary vehicle's backup.
 - w. **SERIOUS BODILY INJURY** - Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, (to include any and all breaks, fracture(s) and/or hard tissue injury such as, bone, teeth or cartilage) or burns of the second or third degree.]
 - x. **SUPERVISOR** - A Denver Police Officer of the rank of Sergeant or in the absence of a Sergeant or higher-ranking officer, the highest ranking officer available.
 - y. **TERMINATE A PURSUIT** - Immediately reduce speed to the legal speed limit and comply with all applicable traffic laws. Turn off all emergency equipment. Officers shall not continue to follow the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by the managing supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing or following.
 - z. **UNMARKED & SPECIAL PURPOSE UNITS** - An unmarked vehicle equipped with red lights and siren, or special purpose vehicles such as four-wheel drives and motorcycles, shall relinquish the primary position in a pursuit when a standard fully marked and equipped patrol car is in a position to become the primary unit. An exception may be made if the special purpose vehicle is the safest unit for the pursuit or when authorized by a supervisor.
 - aa. **VEHICULAR ELUDING (MISDEMEANOR)** - C.R.S. §42-4-1413: The offender operated a motor vehicle and knowingly eluded or attempted to elude a peace officer also operating a motor vehicle, and knew or reasonably should have known that he was being pursued by the peace officer, and operated his vehicle in a reckless manner.
 - bb. **VEHICULAR ELUDING (FELONY)** - C.R.S. §18-9-116.5: The offender operated a motor vehicle and knowingly eluded or attempted to elude a peace officer also operating a motor vehicle, and knew or reasonably should have known that he was being pursued by the peace officer, and operated his vehicle in a reckless manner, and created a substantial risk of bodily injury to another person or caused bodily injury to another person.
- (3) The following sections were written to comply with the Metro Pursuit Policy and to provide additional guidelines to be followed by Denver Police Officers.
- a. Initiating Officer: The following factors shall be considered before initiating a vehicle pursuit:
 - 1. Denver Police Department Policy;
 - 2. Degree of risk created by pursuit;

3. Seriousness of the suspected crime;
 4. Whether the identity of the violator is known to the point that later apprehension is possible;
 5. Volume, type, speed and direction of vehicular traffic and direction of pursuit;
 6. Nature of the area: residential, commercial, school zone, open highway, etc.
 7. Population density and volume of pedestrian traffic;
 8. Environmental factors such as weather and time of day;
 9. Road conditions such as ice, construction, poor repair, etc.
- b. Complying with orders:
1. All officers will obey the orders of supervisors and the dispatcher. If the dispatcher, managing supervisor, or any superior officer orders the termination of a pursuit, all officers directly or indirectly involved shall immediately stop all attempts to pursue. The managing supervisor or superior officer shall have the final authority in managing a pursuit. Dispatchers are not authorized to counter the orders or directions of the managing supervisor or superior officer.
 2. When ordered to terminate a pursuit, unless directed otherwise by the managing supervisor or superior officer, all involved officers shall turn off their emergency equipment and proceed to a location designated by the managing supervisor or superior officer. Officers shall not continue to follow the suspect vehicle. Failure to comply with this section shall be deemed a violation of the pursuit policy.
- c. Police Vehicles and their operation
1. An initiating unit that relinquishes the primary position to another vehicle may become the secondary vehicle.
 2. An unmarked unit or special purpose vehicle as described in Definition (z) shall relinquish its position if a standard fully marked unit is in place to assume the primary or secondary position.
 3. Vehicles not equipped with operable lights AND siren shall not become involved in vehicle pursuits (as described in Definition q).
 4. An initiating unit that is no longer the primary or secondary vehicle in a pursuit shall proceed to the point of termination, obeying all traffic laws and regulations. Code 10 driving is not permitted.
 5. Immediately upon meeting the conditions of a pursuit as defined in this policy, emergency lights AND siren shall be activated and remain activated at all times during a pursuit. This includes only the primary and secondary units or other units authorized by the managing supervisor or superior officer.
- d. Primary Vehicle:
1. When possible, officers intending to stop a vehicle shall attempt to be as close as practical to the suspect's vehicle before activating emergency equipment and attempting the stop. The suspect's temptation to flee may be greater in those instances where it appears they have a head start. Before attempting a vehicle stop when a driver is likely to flee (such as known stolen cars or wanted subjects) the primary unit will attempt to avoid a pursuit by coordinating the response of assisting officers. For example, an apprehension at a stoplight or other preplanned location may be an appropriate tactic.
 2. The Primary Vehicle is the lead police unit.
 3. A pursuit is initiated when the operator of a motor vehicle fails to stop for a police officer as described in Definition (q) of this policy.
 4. Officers initiating a pursuit will immediately notify the dispatcher of their location, reason for the pursuit, direction of travel, estimated speed of the suspect, and any other relevant actions by the suspect vehicle. Officers shall also provide the license plate number, vehicle description, number of occupants, traffic conditions, and any other pertinent information.

5. Officers shall give updated information concerning direction of travel, speed, unusual actions, etc. Radio transmissions shall be kept as short as possible, allowing the dispatcher, supervisory personnel and assisting units to air information.
 6. All radio transmissions shall begin with the officer's car number.
 7. The decision to pursue is not irreversible. Based on the facts known at the time, officers shall continually evaluate whether the risk of danger to officers and the public resulting from a continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of a suspect.
 8. The primary unit officers may cancel their own pursuit and other officers including the secondary unit may not continue or reinitiate the pursuit without the authorization of the managing supervisor or superior officer.
- e. Secondary Vehicle:
1. The secondary unit's function is to assist the primary vehicle during the pursuit and at the point of termination.
 2. The secondary unit shall not overtake the primary vehicle unless specifically requested to do so and shall drive single file behind the primary unit, maintaining a safe distance, sufficient to avoid colliding with or interfering with the primary unit. The secondary unit may block an adjoining lane to prevent interference with the pursuit by other vehicle(s) traveling in the same direction.
 3. The secondary unit shall be prepared to assume the role of the primary vehicle if needed.
 4. The secondary unit may broadcast the pursuit if requested by the primary vehicle or if ordered by the dispatcher or managing supervisor.
 5. All radio transmissions shall begin with the officer's car number.
 6. The primary unit officers may cancel their own pursuit and other officers including the secondary unit may not continue or reinitiate the pursuit without the authorization of the managing supervisor or superior officer.
 7. The decision to pursue is not irreversible. Based on the facts known at the time, officers shall continually evaluate whether the risk of danger to officers and the public resulting from the continuation of a pursuit is greater than the risk of injury to any person that may result from the successful escape of a suspect.
- f. Dispatcher's Responsibilities:
1. Immediately upon being notified of a pursuit, the dispatcher shall clear the channel by activating the alert tone, obtain the necessary information from the pursuing officer, and attempt to contact the supervisor of the involved officer.
 2. If the officer's supervisor cannot be contacted, the dispatcher shall attempt to contact any supervisor from the district in which the pursuit is occurring. Once contacted, this supervisor or commander shall be the managing supervisor for the duration of the pursuit unless relieved by a superior officer.
 3. For the purposes of this section, any Denver Police Department dispatcher shall be considered a supervisor and shall cancel a pursuit if an actual police supervisor or command officer cannot be contacted within thirty (30) seconds. Dispatchers may not countermand the orders of a sworn police supervisor or command officer.
 4. The dispatcher will immediately determine if Air Support is readily available, dispatch it to the scene, and notify the managing supervisor of the availability of Air Support.
 5. Dispatchers shall immediately request a clearance and listing of the suspect vehicle license number and advise the managing supervisor when the information is available.
 6. When it appears that a pursuit is approaching another district or jurisdiction, the dispatcher shall establish radio communications with that district or jurisdiction. Also, see Metro Pursuit Policy.

7. The dispatcher shall keep the radio channel clear, allowing transmissions only from the primary or secondary units, the managing supervisor or superior officers, and officers responding to their orders and directions. The dispatcher will continue to monitor the pursuit and relay information when requested. To keep the air clear, dispatchers shall not repeat the pursuing unit's radio transmissions unless they are unclear.
8. Radio transmissions by other units are prohibited unless of an emergency nature. Upon the termination or discontinuance of a pursuit, the dispatcher shall sound the alert tone and advise all officers and jurisdictions involved.
9. If an accident occurs as a direct or indirect result of a pursuit, an officer will be assigned to make a report and traffic investigators will be notified. Denver 911 personnel will make all necessary notifications.
10. If an accident involving death, injury or May result in death occurs as a direct or indirect result of a pursuit, the commander of the Traffic Investigations Bureau shall be notified to respond. The division chief and commander of any involved officers will also be notified.
11. Denver 911 shall forward a copy of the CAD printout and a tape recording of the radio transmissions of all pursuits to the Traffic Investigations Bureau.

g. Supervisor Responsibilities:

1. Once contact is made with the officer's supervisor, or another supervisor (or a commander in the absence of a supervisor), that person will be the managing supervisor for the duration of the pursuit (unless relieved or overruled by a superior officer).
2. The decision to pursue is not irreversible. Based on the facts known at the time, the managing supervisor shall continually evaluate whether the risk of danger to the officers and the public resulting from the continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of the suspect.
3. All radio transmissions shall begin with the supervisor's car number.
4. The managing supervisor has the authority and responsibility to:
 - a. Ascertain the reason for the pursuit and the surrounding conditions from the involved officer(s) and the dispatcher.
 - b. Authorize or cancel the pursuit based on all available information and the provisions of the Denver Police Department Policy.
 - c. Continually assess the risks and hazards involved in allowing the pursuit to continue, and make a decision to allow the pursuit to continue or order it terminated.
 - d. Move in the direction of the pursuit and actively monitor its progress.
 - e. Control the tactics used in the pursuit including all Forced Stop Methods described in this procedure. The managing supervisor and the pursuing officers must assess the risk involved in applying forced stop methods of the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force.
 - f. Nothing in this section precludes the managing supervisor or a superior officer from canceling the pursuit at any time. Involved officer(s) may also cancel their own pursuit and other officers (including the secondary unit) may not continue or reengage the pursuit without the authorization of the managing supervisor or superior officer.
5. The managing supervisor shall ensure that no more than two (2) vehicles (primary and secondary unit) are actively taking part in a pursuit unless they authorize additional units. Unless otherwise authorized by the managing supervisor or a superior officer, covering officers shall respond Code 9.

The following should be considered when making these decisions.

- a. The severity of the offense.
- b. The number of occupants in the suspect vehicle.

- c. The likelihood of armed suspects.
- 6. Should a pursuit cross the Denver City and County boundary, only the primary and secondary vehicles along with the managing supervisor and superior officer are authorized to leave the City and County of Denver. The managing supervisor may assign additional cover units depending upon the severity of the offense, number of occupants or likelihood of armed suspects.
- 7. Should a pursuit cross district boundaries, any officer, supervisor or command officer with relevant information shall notify the dispatcher of any special conditions or hazards along the projected route.
- 8. All supervisors in the path of a pursuit shall remain alert to its progress and location. They shall actively assist with traffic control and/or the management of traffic control along the route of the pursuit; in an effort to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, and foot pursuits, etc.
- 9. The managing supervisor is required to respond to the scene of termination or discontinuance of all pursuits, whether or not a suspect has been apprehended.
- 10. The managing supervisor shall determine if a traffic accident resulting from the pursuit has occurred at any point along the route of the pursuit. This includes damage to police equipment, the suspect vehicle, civilian vehicles, and any other property. If an accident has occurred, Traffic Investigators shall be notified and will respond.
- 11. In those instances where a suspect has escaped apprehension, the managing supervisor shall immediately coordinate efforts to follow up any investigative leads. Upon receiving the completed Vehicle Pursuit report and related documents, the appropriate investigative bureau shall be responsible for continuing the investigation with the intent of identifying and prosecuting the violator.
- 12. The managing supervisor shall complete the Vehicle Pursuit Report.
- 13. Any pursuit that is terminated by forced-stop methods (excluding *tire deflation devices* unless used to stop a motorcycle) will be reported on a Use of Force, DPD 12.
- 14. The front of a Use of Force, DPD 12, will be used to report the appropriate information. The narrative may indicate "See Vehicle Pursuit Report."
- 15. A copy of the Vehicular Pursuit Report will be attached to the Use of Force Report. The original Use of Force Report will be forwarded to the Internal Affairs Bureau, with one copy to the Bureau Commander, one copy to the Conduct Review Office, the Deputy Chief of Operations and the Chief of Police.
- h. Command Responsibilities:
 - 1. Unless relieved or overruled by a superior officer, district lieutenants in-service at the time of a pursuit are ultimately responsible for ensuring compliance with this pursuit policy if the pursuit is initiated or occurs on their assigned radio channel of operation. In accordance with RR-117, the highest-ranking officer (not including those physically involved in the pursuit) shall have final authority over the continuation, cancellation, and tactics of a pursuit. Managing supervisors and police officers shall follow the orders of higher-ranking officers, regardless of the superior officer's assignment.
 - 2. All radio transmissions shall begin with the commander's car number.
 - 3. All commanders in the path of a pursuit shall remain alert to its progress and location. They shall actively assist with the management of traffic control along the route of the pursuit in an effort to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, and foot pursuits, etc.
- i. Tactical Pursuit Management:
 - 1. All Officers in the path of a pursuit shall remain alert to its progress and location and shall actively assist with traffic control along the route of the pursuit in an effort to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, foot pursuit, etc.

2. Unless specifically authorized by the managing supervisor, all cars covering in the area shall proceed: Code 9. Covering officers are not authorized to violate any traffic laws or regulations in an effort to catch up to or parallel a pursuit unless ordered to do so by the managing supervisor or superior officer at the time of the pursuit.
3. Should a pursuit cross district or jurisdictional boundaries, only the primary and secondary vehicles along with the managing supervisor and a superior officer are authorized to leave the district or jurisdiction. The managing supervisor may assign additional cover units depending upon the severity of the offense, number of occupants or likelihood of armed suspects.
4. The managing supervisor may deploy additional personnel and equipment, as they deem necessary, including Air-One, traffic control, special purpose vehicles, etc.
5. If possible, officers are to avoid approaching an occupied suspect vehicle at the termination of a pursuit. A high-risk vehicle stop shall be deemed the most appropriate method of taking suspects into custody under such conditions. It is understood that exigent circumstances may exist at the termination of a pursuit that cause an officer to approach an occupied suspect vehicle. Officers shall articulate their actions in such an event.
6. When a pursuit has reached a conclusion and police officers are actively involved in making an arrest or pursuing suspects on foot, the managing supervisor has ultimate authority over the manner of response of covering officers (Code 9 or 10). Officers will strictly comply with the orders of the managing supervisor or superior officer.
7. This policy is in effect for pursuits originating in other jurisdictions, and crossing into the City and County of Denver. Denver police officers are not authorized to actively participate in another agency's pursuit unless the circumstances fall within this policy. Supervisors and commanders shall have final authority over the involvement. Denver police officers involved in outside agency pursuits will provide assistance at the point of termination, to include suspect apprehension, accident investigation, perimeter containment, area searches, etc. Additionally, Denver police officers shall also assist with traffic control along the path of an outside agency pursuit in order to promote public safety.

j. Forced-Stop Methods:

1. If a pursuit is allowed to continue given the criteria set forth in this policy, Forced-Stop methods should be considered by supervisors as early as possible. Forced-Stop methods are the tactics used to physically terminate a pursuit, including boxing in, heading off, ramming, the P.I.T. maneuver and roadblocks.
 - a. Only officers trained in forced-stop methods shall be authorized to use them.
 - b. Officers shall not resort to deadly force unless the circumstances fall within the guidelines described in Section 105.01 (2) and the Colorado Revised Statutes.
2. A supervisor must authorize the use of forced-stop methods unless exigent circumstances dictate immediate action without prior approval. Officers applying such tactics without **supervisory approval shall be required** to justify the exigency that led to their actions.
3. The managing supervisor shall direct the application of forced stop methods only after considering all information available. Pursuing officers must provide the managing supervisor with sufficient information to plan and prepare for the use of forced stop methods.
4. The managing supervisor and pursuing officers must assess the risk involved in forcible termination of the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force
5. Department personnel shall only use roadblocks to apprehend an extremely dangerous felon who, if allowed to escape, would create a substantial risk of death or serious bodily injury to another.

- a. Authority to establish or remove a roadblock shall lie with the managing supervisor.
 - b. At least one marked vehicle shall be at the scene of a roadblock.
 - c. A roadblock will not be established unless all pursuing police vehicles have been notified of the roadblock and its location and have acknowledged.
 - d. To the degree possible under the circumstances, a roadblock shall be established where it will be visible for an adequate distance to allow a suspect to come safely to a complete stop.
- 6. The use of a tire deflation device (stop sticks, spike pads, etc.) may be authorized by a managing supervisor in circumstances where other methods of control or apprehension would be ineffective or more dangerous. The following procedure shall be adhered to:
 - a. At least one marked patrol car and one uniformed officer shall be on the scene where a tire deflation device is deployed.
 - b. As much as possible, uninvolved vehicles and pedestrians shall be kept away from the area where the device will be deployed. Some situations may prevent this, but to the degree possible, the device shall be deployed in a manner that affects only the suspect vehicle. The place of deployment will be monitored by an officer to prevent pedestrians from entering this area.
 - c. The location of deployment of the tire deflation device shall be communicated to the pursuing vehicles.
 - d. Use of this device with a motorcycle is considered deadly force and the deployment of the device will be in accordance with laws and policy pertaining to the use of deadly force by police officers.
- 7. Boxing In is the surrounding of a violator's moving vehicle with moving pursuit vehicles, which are then slowed to stop along with the violator's vehicle.
- 8. Heading Off is an attempt to terminate a pursuit by pulling ahead of, alongside, and toward a violator's moving vehicle to force it to the side of the road or to come to a stop. This does not involve contact between the vehicles.
- 9. Ramming is the deliberate act of impacting a suspect's vehicle with another vehicle in an attempt to force the suspect's vehicle to stop.
- 10. P.I.T. Maneuver is the intentional contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving suspect vehicle. It is intended to cause a suspect vehicle to spin away from its forward direction, thus terminating a pursuit.
- k. Vehicle Pursuits with Denver Police Air Support:
 - 1. The police helicopter shall respond to all pursuits when it is airborne. Once the helicopter has established visual contact with the pursued vehicle and can follow the pursuit, the managing supervisor shall be notified.
 - 2. At this point, the managing supervisor shall order that ground units no longer follow the suspect vehicle, nor violate any traffic laws or regulations in an effort to catch up to or parallel the suspect vehicle. Officers should make an effort to present an appearance to the suspect(s) that the police are no longer pursuing or following them. This may necessitate stopping, turning, or making some other effort to be out of the view of the suspect. The continued pursuit by ground units may be authorized only by the managing supervisor or superior officer, and only upon a clearly articulated need based on facts known at the time, which may include the following.
 - a. The gravity of the offense
 - b. The surrounding terrain
 - c. Other circumstances that may impact officer safety or the ability to safely apprehend the suspect(s).

- d. The managing supervisor shall clearly articulate in all reports the urgent need to continue ground pursuit once Air-One is directly involved in the pursuit.
- 3. The helicopter will illuminate the pursued vehicle with its searchlight to make the driver aware of the presence of the helicopter. If this awareness fails to cause the driver to slow, stop, or surrender, illumination will cease. The helicopter crew will continue to observe the vehicle without the use of a spotlight and report its location from a position not visible to the driver. At this point, the role of the helicopter is to maintain observation of the suspect without causing the driver to attempt to elude it.
- 4. The helicopter will update ground units as to the suspect's location, direction, speed, etc.
- 5. The helicopter will inform the managing supervisor and other ground units when and if an opportunity is present for an apprehension. This will generally occur when the suspect(s) have stopped and are exiting the vehicle. The managing supervisor will then authorize ground units to enter the immediate area to apprehend any suspects. The helicopter will assist ground units in establishing a perimeter, etc., until the suspect(s) are in custody or the managing supervisor terminates the police response.
- 6. The helicopter shall depart the area as soon as possible following an arrest or the termination of the police response. During such an active pursuit by ground units, the primary or secondary ground units will call out the pursuit.
- I. Vehicle Pursuits Involving Media Helicopters: Television Stations Four, Seven and Nine each operate media helicopters that may be available to assist in the event of a police pursuit. Each of these aircraft is equipped with a police radio capable of receiving and transmitting on Talk Groups One through Six. Other stations may be so equipped in the future.
 - 1. The managing supervisor may request the assistance of a media helicopter through the police dispatcher; however, participation by any media aircraft is strictly voluntary.
 - 2. If a media helicopter volunteers to assist in a police pursuit, the police dispatcher and managing supervisor will follow the procedures outlined for pursuits involving the police helicopter.
 - 3. Call signs for the media helicopters are as follows:
Channel Four: Sky 4 Channel Seven: Sky 7 Channel Nine: Sky 9
 - 4. Should a media helicopter withdraw from participation in a pursuit, the managing supervisor may elect to resume active ground pursuit or terminate involvement entirely.

(4) Pursuit Termination/Reporting Procedures:

- a. Traffic Investigations Bureau Personnel - Responsibilities:
 - 1. When notified of a pursuit-related accident, a Traffic Investigations Bureau detective shall respond and be in charge of the accident investigation.
 - 2. When a suspect has evaded apprehension, the Traffic Investigations Bureau or other appropriate bureau shall be responsible for investigating, identifying and prosecuting the violator. This will occur immediately upon receiving the completed Vehicle Pursuit report and related documentation.
 - 3. It shall be the policy of the Denver Police Department to vigorously pursue eluding charges against violators. Incidents meeting the criteria set forth in C.R.S. §18-9-116.5 shall be charged as a felony. Offenses not meeting these criteria shall be filed into state court as a misdemeanor.
- b. Commander of the Traffic Investigations Bureau - Responsibility:
 - 1. The commander of the Traffic Investigations Bureau shall respond to the scene and direct the investigation of any pursuit related accident resulting in death or serious bodily injury or unusually extensive property damage.

2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer shall describe the event on a Report of Eluding – No Pursuit, DPD 616, and forward it to the Commander of the Traffic Investigations Bureau. The Commander of TIB shall cause the incident to be investigated for possible prosecution of the violator and for inclusion in a database
- c. Involved Officer - Responsibilities:
 1. Upon the termination of a pursuit, all officers involved will meet at a location designated by the managing supervisor. All officers will complete a statement on DPD 366 and submit it to the managing supervisor.
 2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer shall describe the event on a report of Eluding – No Pursuit, DPD 616, and forward it to the Commander of the Traffic Investigations Bureau.
- d. When a suspect driver has been apprehended:
 1. **All eluding charges will be filed into state court, either as misdemeanors or felonies.**
 2. A Traffic Investigations Bureau detective or other appropriate bureau detective will examine the incident to determine if the filing of felony charges is appropriate
 3. A Pursuit resulting in the death or serious bodily injury of any person shall be deemed a critical incident, requiring the notification of the District Attorney's Office. Detectives from TIB are responsible for notifying the District Attorney's Office, who may respond to the scene to assist with the investigation.
 4. Suspects will be processed by TIB or the appropriate bureau to handle the primary and most serious charge. The decision to incarcerate the suspect will be made by the Traffic Investigation detectives when there are only traffic charges.
 5. If other charges are appropriate, such as auto theft, burglary, etc., the suspect will be processed in accordance with the Investigation Division Arrest/Intake procedure, OMS 104.01 (24). This will be coordinated with Traffic Investigation detectives.
 6. To prosecute the charge of eluding, under C.R.S. §42-4-1413, it is necessary to show:
 - a. Audible and visual signals, such as emergency lights and siren, were used during the pursuit.
 - b. The pursuit vehicle was a marked unit.
 - c. The suspect driver willfully increased speed, turned off the vehicle lights, or in some other manner attempted to elude the police.
 - d. The apprehended suspect is the driver of the vehicle.
 7. In order to prosecute the charge of felony vehicular eluding, using C.R.S. §18-9-116.5, it is necessary to show:
 - a. A person operating a motor vehicle knowingly eludes or attempts to elude a peace officer, also operating a motor vehicle.
 - b. The suspect knows or reasonably should know that he/she is being pursued by a peace officer.
 - c. The suspect operates his/her vehicle in a reckless manner, creating a substantial risk of bodily injury to another person.
 - d. Vehicular Eluding is a Class 5 felony, except that vehicular eluding which results in bodily injury to another person is a Class 4 felony. Vehicular eluding which results in death is a class 3 felony.
- (5) Vehicle Pursuit Reports, DPD 453. Gathers data on officers, suspects, vehicles, etc., and includes a narrative that must be completed.

- a. The managing supervisor or commander is personally responsible for the completion of both parts of the report.
- b. The Vehicle Pursuit Report shall be filled out completely. The narrative shall provide a detailed description of the following items:
 - 1. Details to support compliance with all sections of this policy. Incomplete reports and statements will be returned for completion and clarification.
 - 2. Descriptions of the driver and occupants unless apprehended.
 - 3. Names, addresses and telephone numbers of all persons able to identify the suspect driver.
 - 4. Complete narrative description of actions taken by the driver that indicated an attempt to elude.
 - 5. The reason for the pursuit, location, direction, traffic and street conditions, and traffic violations committed by the suspect.
 - 6. Emergency equipment used (lights, siren, etc).
 - 7. How the pursuit was terminated (forced stop, accident, surrender, etc.)
 - 8. Injuries and/or damage caused by the
 - 9. Resistance incidents (Attach a copy of the Use-of-Force report).
 - 10. Managing supervisor's actions during the pursuit.
- c. The managing supervisor will attach the statements, DPD 366, of all officers and witnesses.
- d. Distribution:
 - 1. The original Vehicle Pursuit Report and statements shall be forwarded to the Traffic Investigation Bureau. Related reports will be attached.
 - 2. The managing supervisor shall ensure that copies of the Vehicle Pursuit Report are distributed as follows:
 - Manager of Safety
 - Chief of Police
 - Deputy Chief of Operations
 - All Division Chiefs
 - The Bureau or District Commanders of all involved officers
 - Civil Liability Bureau

(6) Conduct Review Office

- a. As soon as practicable following a pursuit, there will be a review of the circumstances of the incident by the Conduct Review Office. The review will result in a preliminary determination of the appropriateness of the pursuit, compliance with Department rules and regulations, and any need for additional training. The Deputy Chief of the involved officer will provide immediate feedback to the officer's commander who will then critique the tactics of the situation with involved officers under their command. The officer's chain of command will make a determination as to whether the pursuit fell within the policies and procedures of the Denver Police Department. Violations of the policy may result in disciplinary action.
- b. All police pursuits will be subject to review per OMS 203.09(3) in addition to the review described in section (6) a (above).
- c. The Denver Police Department Traffic Investigations Bureau shall maintain a database of detailed information from all police pursuit incidents in order to formulate and revise policies and training.
- d. The Traffic Investigations Bureau will provide a monthly, quarterly, semi-annual, and annual report from the database to include a semi-annual and annual evaluation of trends and training needs.

- (7) Metro Pursuit Guidelines and Procedures - These guidelines and procedures are included as reference in the event of inter-jurisdictional pursuits. In the event of conflicts or confusion between the Denver Police policy and this section, DPD policy will take priority.
- a. Policy Statement
1. The law enforcement executives of the metropolitan region of the Colorado Association of Chiefs of Police recognize that the fundamental duty of our law enforcement agencies is the protection and safety of our community and of our citizens. This duty includes the obligation to attempt the apprehension of persons who endanger the public by taking flight to avoid prosecution. However, at times, the danger presented by the pursuit itself can exceed the public safety value of immediate apprehension. Under such circumstances, the public's safety is paramount.
 2. It is expected that all peace officers will interpret the detailed pursuit procedures of their individual agencies in light of this duty and that they will evaluate the need to interrupt unlawful flight against the risks to the public safety. This expected evaluation includes the decision to initiate the pursuit and continues during the pursuit.
 3. There may be situations in which the escape of the suspect may create a greater risk to the safety of the public than the risks inherent in the pursuit. In these situations, extraordinary means may be used to bring the pursuit to a conclusion as rapidly as possible.
- b. Definitions
1. **PURSUIT** - Pursuit shall mean an active attempt by an officer (operating a department vehicle) to apprehend an operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle's speed, extinguishes the vehicle's lights, or makes some other overt action designed to avoid apprehension.
 2. **EMERGENCY OPERATION** - Emergency operation shall mean the act of driving a marked or unmarked police vehicle with the emergency lights and siren in operation while in pursuit of a suspect in accordance with the Colorado Motor Vehicle Code, or applicable municipal ordinance.
 3. **PRIMARY VEHICLE** - **Primary** vehicle shall mean the patrol vehicle driven by the officer initiating a pursuit, or another patrol vehicle which takes the lead vehicle position.
 4. **SECONDARY VEHICLE** - **Secondary** vehicle shall mean a patrol vehicle which becomes involved in a pursuit immediately following the primary vehicle and acting as the primary vehicle's backup.
 5. **OFFICER** - **Officer** shall mean any commissioned peace officer, recruit, or sworn employee in the State of Colorado, regardless of specific title, e.g., Sheriff, Deputy, etc., as defined in C.R.S. §18-1-901(3).
 6. **COMMUNICATIONS SECTION** - Communications Section shall mean that component of the primary jurisdiction responsible for broadcasting messages to law enforcement vehicles on police frequencies, for receiving such messages from patrol vehicles and monitoring messages between patrol vehicles; the communications section is commonly called "dispatch".
 7. **SUPERVISOR** - Supervisor shall mean a commissioned peace officer of the rank of Sergeant or of higher rank or, in the absence of a Sergeant or higher ranking officer, the highest ranking available officer.
 8. **ORIGINATING JURISDICTION** - Originating jurisdiction shall mean the jurisdiction within which a pursuit originates.
 9. **PRIMARY JURISDICTION** - Primary jurisdiction shall mean the jurisdiction of the officer driving the primary vehicle.
 10. **RECEIVING JURISDICTION** - Receiving jurisdiction shall mean a jurisdiction which is entered by a pursuit which began in the originating jurisdiction.

c. Pursuit Guidelines – Intra-jurisdictional

1. Law enforcement officers, whenever possible, should consider alternative methods of apprehending suspects when it is likely that a patrol vehicle pursuit will occur. The discretionary decision to initiate and continue a pursuit should be based upon factors such as the seriousness of the suspected crime, probability of later apprehension, traffic and roadway conditions, time of day, type of area where the pursuit occurs, or other things that an officer would normally consider when evaluating the circumstances knowing that the immediate apprehension of a suspect may be outweighed by the risks imposed on the public's safety.
2. If a pursuit is initiated, officers shall use visual and audible warning devices (lights and siren) and should attempt to notify the communications section of relevant facts about the chase, such as location, direction of travel, description of suspect vehicle, number of occupants, reason for the pursuit, speed, and other similar factors that may be relevant. A fully marked patrol car is the most suitable vehicle to conduct a pursuit. If an unmarked car or special purpose vehicle is used, it should be used only until relieved by a marked car.
3. Officers are expected to exercise a standard of care consistent with Colorado State Law, C.R.S. § 42-4-108, in particular, subsection (4): "The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of, his reckless disregard for the safety of others."
4. Normally, only two patrol vehicles should be directly involved in a pursuit. "Directly involved", as used here, means following behind the pursued vehicle in close proximity. A supervisor may authorize such additional units as may be necessary to control the course of the pursuit or the point of termination.
5. The decision to pursue is not irreversible and officers must continually evaluate whether the seriousness of the crime justifies continuing the pursuit. A pursuit may be terminated at any point the officer or supervisor feels that it is too dangerous to continue.

d. Supervisory Role during an Intra-jurisdictional Pursuit:

The supervisor in charge during a pursuit has the authority and responsibility to monitor the progress of the pursuit, evaluate the circumstances known to the supervisor at the time, and make a decision to continue or to order it terminated.

e. Inter-jurisdictional Pursuits

1. Notifications:
 - a. Notification after Entry and After Discontinuance/Termination
 1. When a pursuit enters a receiving jurisdiction, the communications section of the originating jurisdiction shall, as soon as practicable, notify the receiving jurisdiction of the existence of the pursuit and the reason for the pursuit, and shall keep the receiving jurisdiction apprised of the status of the pursuit.
 2. When a pursuit is discontinued or reaches termination, all units should be advised immediately.
2. Procedural Guidelines
 - a. Supervisory Responsibilities in Police Vehicle Pursuits
 1. A supervisor from the originating jurisdiction and each primary jurisdiction should respond to the scene of termination or discontinuance of the pursuit, unless otherwise instructed by the receiving jurisdiction.
 2. Each participating jurisdiction shall gather, and shall provide upon request to each other participating jurisdiction involved, information concerning the circumstances of its participation and the names of any of its officers participating in the pursuit.

- b. Number of Vehicles
Any participating vehicle from a receiving jurisdiction, once relieved by another vehicle, should discontinue its participation as soon as practicable after leaving its jurisdiction unless circumstances dictate otherwise, or unless otherwise requested by the primary jurisdiction. However, the decision to discontinue participation may be the most appropriate course of action, depending on the circumstances.
- c. Pursuits Entering a Receiving Jurisdiction
 - 1. Normally, officers in a receiving jurisdiction should not become involved in a pursuit originating in another jurisdiction. However, a supervisor from the receiving jurisdiction may assign officers to assist with traffic control, to render assistance at the termination or discontinuation point, or to monitor the progress of the pursuit. Such officers shall not be considered to be directly involved in the pursuit.
 - 2. Upon request of the primary jurisdiction and approval of the receiving jurisdiction, a vehicle from the receiving jurisdiction may assist with the pursuit or become the primary vehicle.
 - 3. The overall command of a pursuit shall rest with the primary jurisdiction.
- d. Methods of Stopping Pursued Vehicles
 - 1. When a pursuit has entered a receiving jurisdiction, the primary jurisdiction should attempt to notify the receiving jurisdiction, in advance if possible, of any method to be used by the primary jurisdiction to stop the pursued vehicle.
 - 2. In the course of an inter-jurisdictional pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, structures, or other fixed objects, boxing in, heading off, ramming, or driving along side the pursued vehicle while it is in motion, must be authorized by a supervisor of the primary jurisdiction, unless exigent circumstances exist requiring such action and obtaining such authorization would be unreasonable.
 - 3. The use of a roadblock in an inter-jurisdictional pursuit must be authorized by the supervisor of the primary jurisdiction. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
- e. Investigation/Jurisdiction at Termination
The on-scene supervisor of the originating jurisdiction shall be responsible for processing the arrest of any suspects and for coordinating any investigation. However, if there was a more serious violation in another jurisdiction, the on-scene supervisor from that jurisdiction shall assume the responsibility for coordinating the immediate investigation. Nothing herein shall preclude the investigation of any accident, criminal act, or other incident which occurred during the course of the pursuit by any jurisdiction in which such an incident occurred.

204.02 Driving Under the Influence - General Information (Revised 03/2013)

- (1) When officers contact drivers who they suspect to be under the influence of alcohol and/or drugs, the following steps will be taken:
 - a. Once the violator is stopped, he/she should not be allowed to drive further. If necessary, the officer should park the vehicle legally. See OMS 204.02(4).
 - b. If the officer suspects the violator is under the influence of alcohol and/or drugs, the officer will offer the violator an opportunity to perform voluntary roadside maneuvers (Standardized Field Sobriety Test – S.F.S.T. Battery). A refusal to perform roadside maneuvers does not constitute a refusal to take a blood or breath test. If the voluntary roadside maneuvers are not administered, the officer will document the circumstances, such as injury, refusal, etc., in the Sobriety Case Summary, DPD 243, or the DUI Short Form, DPD 494.
 - c. If the officer determines the suspect should have further testing, the suspect will be advised that he/she is under arrest for investigation of driving under the influence.

- d. The officer should determine whether the suspect desires a blood test or a breath test. The suspect will then be transported to the Detention Center DUI Room to take a breath test or to Denver Health Medical Center Emergency Room for a blood test. Once a DUI suspect has decided to take either a blood or a breath test, the decision regarding the type of test is irreversible.
 - 1. The arresting/processing officer is responsible for monitoring the condition of the suspect until the suspect is placed in jail, detox, or released to a sober adult.
- e. While en route to the Detention Center, the arresting officer will obtain an NCIC, CCIC and DCIC clearance on the suspect and will indicate the results of the clearance on the DUI Short form, DPD 243, or the Sobriety Case Summary.

The party contacted, phone number, and time of contact will be noted on either the DUI Short Form or Sobriety Case Summary.
- (2) The breath analysis does not replace or exclude the use of the blood alcohol test. If the suspect requests a blood alcohol test, he/she will be given the opportunity to take a blood test in lieu of a breath test.
- (3) When the driver of an R.T.D. vehicle, or any government vehicle, is taken into custody for investigation of DUI, the arrestee's supervisor will be notified immediately. See OMS 104.26.
- (4) Park and Lock Procedure
 - a. When a driver suspected of DUI or DWAI is arrested, the arresting officer will legally park the vehicle and lock it.
 - b. The location of the suspect's vehicle will be noted on the bottom of the Criminal Summons and Complaint.
 - c. The arresting officer is responsible for the security and protection of all property visible within the passenger compartment of the vehicle to be parked and locked. All personal property shall be removed and secured in the trunk of the vehicle or taken to the Property Management Bureau for safekeeping. The officer is authorized to open any closed containers found inside the passenger compartment to determine the proper means of securing the property.
 - d. When a suspect is released without being formally charged, the arresting officer will return the suspect to his/her vehicle.
 - e. Suspects' vehicles will be impounded in DUI or DWAI cases only when:
 - 1. The driver will not permit the vehicle to be legally parked.
 - 2. In the officer's opinion, the vehicle could likely be subject to vandalism or theft or is a traffic hazard.
- (5) Fingerprinting and picture taking will take place only after the suspect has completed the breath or blood test.
 - a. **Breath Test:** The arresting/DUI officer or TIB detective complete all necessary fingerprinting, photographing and clearance processing
 - 1. Fingerprints will be sent to the Identification Bureau for clearance. If the suspect has good photo identification, or is known to the officer and has been photographed and fingerprinted, the processing of the suspect will be complete. If, at a later time, fingerprints reveal that the individual listed on the identification is not the individual who was processed, the findings will be reported to TIB detectives for follow-up investigation.
 - 2. If there is a question about the identity of the suspect, the officer will wait for fingerprint clearance information from the Identification Section. Upon receiving clearance information, the processing of the suspect will be complete.
 - b. **Refusal:** The arresting/DUI officer or TIB detectives will complete all necessary fingerprinting, photographing and clearance processing.

1. Fingerprints will be sent to the Identification Bureau for clearance. If the suspect has good photo identification, or is known to the officer and has been photographed and fingerprinted, the processing of the suspect will be complete. If, at a later time, fingerprints reveal that the individual listed on the identification is not the individual who was processed, the findings will be reported to TIB detectives for follow-up investigation.
2. If there is a question about the identity of the suspect, the officer will wait for fingerprint clearance information from the Identification Section. Upon receiving clearance information, the processing of the suspect will be complete.
- c. **Walk-in Blood Test:** After the blood draw, the arresting/DUI officer will transport the suspect to the DUI room. The officer will complete all necessary fingerprinting, photographing and clearance processing.
 1. Fingerprints will be sent to the Identification Bureau for clearance. If the suspect has good photo identification, or is known to the officer and has been photographed and fingerprinted, the processing of the suspect will be complete. If, at a later time, fingerprints reveal that the individual listed on the identification is not the individual who was processed, the findings will be reported to TIB detectives for follow-up investigation.
 2. If there is a question about the identity of the suspect, the officer will wait for fingerprint clearance information from the Identification Section. Upon receiving clearance information, the processing of the suspect will be complete.
- d. **Blood Draws on Injured Suspects at DHMC:** The DUI suspect will be placed on a DUI hold with the Denver Sheriff's Department.
 1. The arresting/DUI officer will notify DHMC sheriff deputies after the blood draw has been completed.
 2. The arresting/DUI officer will then take a picture of the suspect and attach it to the DUI file. A camera and film will be kept in the DUI filing cabinet in the DHMC sheriff's office.
 3. A deputy sheriff will fingerprint the suspect on two fingerprint cards and give them to the DPD officer.
 4. Upon arriving at headquarters, the DPD officer will go directly to the Identification Bureau and turn in the fingerprint cards for clearance. The Identification Bureau will call the DUI room after the clearance is complete and inform the officer of the outcome. Upon receiving clearance information, the processing of the suspect will be complete.
- e. **Blood Draws on Injured Suspects at Hospitals other than DHMC:** Hospitals within the City of Aurora do not allow the use of their medical staff to complete blood draws. A supervisor in the Traffic Operations Bureau or the Traffic Investigations Unit may be contacted to determine which private company will conduct the blood draw. The same procedure should be followed for any other hospital that requires the use of a private entity to conduct blood draws. After completing the blood draw, the arresting/DUI officer will take a picture of the suspect and use an Identiseal to print their right index finger on the back of the picture or advisement form.
 1. The DPD officer must use a camera to take the picture. A district sergeant may be called to take a digital picture.
 2. If a digital picture is taken, it must be checked into the Property Bureau as evidence.
 3. The arresting/DUI officer or TIB detective will stamp "**NOT FINGERPRINTED AND CLEARED**" across the Criminal Summons and Complaint (CS&C) so the judges can order the suspect to be fingerprinted following their first appearance.
- f. **Reporting:** To accommodate these procedures, arresting/DUI officers will also complete a Warrant Arrest Report, DPD 288. The CAD incident number will be written on the Warrant Arrest Report, DPD 288, as well as at the top of the Sobriety Case Summary, DPD 243.

204.03 Breath Analysis Tests (Revised 03/2013)

- (1) If the suspect chooses to take a breath test, the Breath Analysis Consent Form, DPD 14, will be completed. The suspect must sign the Breath Analysis Consent Form to give consent for the breath test. The officer must closely and continuously observe the subject for a period of twenty (20) minutes prior to testing to detect any belching, regurgitation or intake of any foreign material by nose or mouth. If such occurs, another twenty (20) minutes of close and continuous observation must elapse under the same conditions.
- (2) When the suspect's breath analysis test indicates a blood alcohol level of 0.08 or higher, and the test was administered to the suspect within two hours of the violation witnessed by an officer, or, in the case of an accident, within two hours of the time the accident occurred, the suspect is in violation of the D.U.I. per se law. The Notice of Revocation or Denial Form (DR-1576) will be completed. The second copy of this form will be given to the suspect.
- (3) **DELETED 01/16/09**
 - a. **DELETED 01/16/09**
 - b. **DELETED 01/16/09**
 - c. **DELETED 01/16/09**
- (4) If the suspect refuses to submit to a test, a Notice of Revocation or Denial Form (DR-1576) will be completed. The second copy of this form will be given to the suspect.
- (5) The officer who completes the Notice of Revocation or Denial Form may issue a temporary license when the suspect signs the form and relinquishes his/her valid Colorado driver's license.
- (6) Whenever a suspect's blood alcohol level exceeds 0.30, the intoxilyzer operator will advise the deputy sheriff in the jail or Detox personnel of the blood alcohol level.
- (7) All completed forms will be given to the intoxilyzer operator before the arresting officers leave the Detention Center.
- (8) The DUI officer/TIB detective will decide whether the suspect will be jailed or processed and transported to a Detox facility. The suspect may be jailed in the following instances: (also OMS 204.05)
 - a. The identification of the suspect cannot be reasonably verified.
 - b. The suspect has demonstrated combative behavior resulting in additional charges or behavior that could jeopardize the safety of Detox staff and clients.
 - c. The suspect is wanted on an outstanding warrant.
 - d. The suspect's behavior was willful or deliberate and threatened or created a risk to the public's safety.
 - e. The suspect has a prior DUI conviction.
 - f. The suspect is a habitual traffic offender.
 - g. The person is suspected of other crimes.

204.04 Blood Alcohol and Drug Tests

- (1) When a DUI suspect has been taken to Denver Health Medical Center for treatment or a suspect requests a blood alcohol test in lieu of a breath test, all necessary forms are available in a kit at the emergency room. If a suspect is taken to a hospital other than Denver Health Medical Center, the officer will retrieve, or make arrangements to have transported to their location a blood kit from Denver Health Medical Center or the DUI Room. Once a suspect consents to a blood test, the officer will request it be performed by qualified medical personnel.
- (2) Instructions in the kit must be followed carefully. No markings on the kit should be damaged. The evidence bag must be saved.
- (3) The Blood Withdrawal Consent form, DPD 6, will be completed, including the name of the person drawing the blood, location on the body from which the blood was drawn, the date, the time, suspect's signature, and the officer's name as a witness.

- (4) When a fatality or serious injury accident has occurred and felony charges may be filed against the driver, a Traffic Investigation Bureau detective will be called to assist. In such cases, blood can be drawn even if the suspect objects. The serious injury must be to someone other than the suspect.
- (5) The medical personnel drawing the blood will fill out two labels. These labels will be signed by the officer as the witness, and then used to seal the gray-topped test tubes.
- (6) The test tubes and the evidence bag will then be taken directly to the Property Management Bureau.
- (7) The Toxicological Request Form will be completed. The blood alcohol kit number should be noted on this form as well as on the Sobriety Case Summary, DPD 243. The Toxicological Request should be placed in the evidence bag, which should then be initialed, dated, and sealed by the officer.
- (8) All reports will be hand carried to the Traffic Investigations Bureau.
- (9) When testing a person who is suspected of driving under the influence of drugs, an indication of the type of drug used should be given whenever possible.
 - a. When testing a person suspected of driving under the influence of drugs only, a urine sample is preferred.
 - b. When testing a person suspected of driving under the influence of drugs and alcohol, a blood or breath sample and a urine sample should be obtained.
- (10) All urine specimens must be witnessed by proper personnel; either medical personnel, police officers or jail personnel. The full name of the witness to the specimen will be on the Sobriety Case Summary. Urine samples will be taken only in conjunction with suspected drug use.
- (11) Suspected drug use:
 - a. When available a Drug Recognition Expert (DRE) officer should be notified. When a DRE officer is unavailable, a consensual blood sample can still be taken. If a blood sample is taken, the officer will ensure that two (2) blood kits are used and that four (4) vials of blood are obtained.
 - b. When blood is drawn from a person suspected of drug use, red topped tubes, which are available from hospital supply or from the Traffic Investigation detectives, should be used in place of the gray topped tubes which are provided in the Denver Police blood alcohol kit. Red topped tubes should be used for Drug Testing ONLY.
 - c. When both drugs and alcohol are suspected, blood should be drawn in both red topped and gray topped tubes, as analysis is performed separately.
- (12) Urine specimens must be hand carried to the Property Management Bureau in a State of Colorado specimen box and sealed with the evidence tape provided. The State of Colorado Toxicology Request Form will be placed inside the box
- (13) When blood and urine samples are involved, a photocopy of the Toxicology Request Form will be placed in the bag with the blood sample.
- (14) When several samples are taken, such as urine and blood or blood in both red topped and gray topped tubes, each sample should be sealed separately to protect the Chain of Custody during the analysis procedure.

204.05 Booking for Traffic Charges (Revised 03/2013)

- (1) The policy of the Denver Police Department is to limit the incarceration of individuals for traffic offenses to those persons who, in the department's judgment, reasonably may not appear before the court or whose behavior threatens or has created a substantial risk to public safety. Alternative disposition methods for those arrested on traffic charges are the release to a responsible party or transfer to Detox, when feasible.
- (2) All booking for traffic arrests other than DUI, Habitual Traffic Offender, and Speed Contest must be approved by the intake officer in the Traffic Investigations Bureau. During the hours of 0300 to 0600 when an on-duty Traffic Investigations Bureau intake officer is unavailable, officers should request the on-call Traffic Investigations Bureau supervisor through Denver 911.
 - a. No individual will be jailed on misdemeanor traffic charges, including D.U.I., unless one of the following criteria is met.

1. The identification of the suspect cannot be reasonably verified.
2. The suspect has demonstrated combative behavior resulting in additional charges.
3. The suspect is wanted on an outstanding warrant.
4. The suspect's behavior was willful or deliberate and threatened or created a risk to the public's safety.

b. All felony traffic suspects will be jailed.

c. **D.U.I. Arrests**

1. The intake officer will make the decision to jail the suspect or release to the Detox facility. The decision to jail will be based on the criteria found in subsection (2) a.
2. After processing is completed, the DUI officer will deliver the suspect to the Sheriffs Department for jailing or transport the suspect to the Detox facility.
3. Arresting officers will request a clearance on the suspect while en route to the Detention Center DUI Room.

d. Any person being jailed for INVESTIGATION of a traffic charge must be processed by a Traffic Investigations Bureau detective prior to jailing.

(3) When jailing a person for misdemeanor traffic charges, a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be completed. The officer will serve the prisoner the Defendant's copy. The remaining copies will be sent to the Detention Facility with the prisoner. All necessary information leading to the arrest will be left with the Traffic Investigations Bureau immediately prior to jailing.

(4) When a General Session violation occurs in addition to a traffic violation, all arising from the same or continuing incident, officers shall proceed as follows:

a. If the traffic charges pending against the driver would fall into the "infraction" category, complete and serve the defendant with both a GSS&C and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice.

1. Because traffic infractions are classified as civil violations, double jeopardy does not occur from requiring two court appearances arising from the same incident.

b. If the traffic charges pending against the driver would fall into the "designated criminal violation" or "criminal violation" category, a General Session Summons and Complaint shall be completed, charging resistance, assault, etc. The applicable traffic charge(s) shall then be added in the "Other Violations" section of the same General Session Summons and Complaint.

1. All proceedings will be held in General Sessions Court. The County Court will obtain the required traffic records and will prepare traffic conviction transcripts for the State Motor Vehicle Department.
2. This procedure avoids two trials and prevents the possibility of the defendant paying or resolving a minor traffic ticket and then having the more serious General Sessions violation dismissed because of double jeopardy.
3. Information concerning the defendant's driver's license, vehicle description and license number must be obtained and noted on the City Attorney's copy in the space provided for vehicle information.

204.06 Uniform Traffic Summons and Complaint/Penalty Assessment Notice

(1) The Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be used when; a person is cited for a moving violation of the Denver Revised Municipal Code or Colorado Revised Statutes or is arrested and jailed for non-felony traffic charges.

- a. The Denver County Court Criminal Summons and Complaint, DPD 425, will not be used to cite traffic ordinance violations UNLESS a DUS, DUI, DUR, or DUD violation is also charged.
- b. The Uniform Traffic Summons and Complaint/Penalty Assessment Notice shall not be used to file drivers' restraint violations (See OMS 204.10).

- c. Officers will use the appropriate city ordinances whenever possible. C.R.S. shall not be used when there is an equivalent ordinance in the Revised Municipal Code.
- (2) All traffic ordinances (city and state) are classified into one of the following categories: criminal violations designated criminal violations or infractions.
- a. **Criminal Violation:** A violation of the state or city traffic code which is punishable by a jail sentence and for which the defendant is entitled to a criminal trial with all attendant rights. A violator being charged with a criminal violation will always be issued a summons requiring his appearance in court.
 - b. **Designated Criminal Violation:** A criminal violation of the traffic code for which payment of a fine by mail may be accepted in lieu of a court appearance. A violator charged with a designated criminal violation may be issued a Penalty Assessment Notice, making them eligible for a reduction of points.]
 - c. **Infraction:** A civil violation of the traffic code for which arrest is prohibited and for which a jury trial is not permitted, unless a 6-point speeding charge or aggravated accident is involved.
 - 1. Arrests for traffic infractions are not allowed.
 - 2. All infractions are written as Penalty Assessment Notices.
 - 3. Court appearances are not required. The driver may satisfy legal obligations by mail.
 - 4. Drivers charged with infractions are eligible for a reduction of points.]
- (3) Completing the Uniform Traffic Summons and Complaint/Penalty Assessment Notice
- a. The Uniform Traffic Summons and Complaint/Penalty Assessment Notice is designed in such a manner that both a Summons and a Penalty Assessment can be written on the same form.
 - b. All information entered must be printed in such a manner that all four copies are legible.
 - c. Fill in the form completely, giving the information requested. In boxes where just a mark is needed, use an "X", making sure the mark is placed within the confines of the box.
 - d. Identifying Information
 - 1. Driver identification
 - a. If there is doubt about the driver's identity, complete the physical description and, use an "Identiseal" Kit to affix the right index fingerprint on the reverse side of the City Attorney's Copy.
 - b. If identification or information other than a driver's license is used to establish a driver's identity, note what form of identification or information was used.
 - c. If the driver refuses to identify himself, the officer may transport the driver to the Identification Section for the purpose of establishing positive identity.
 - 1. In these cases of "temporary detention", the officer is justified in conducting a pat-down and handcuffing the driver.
 - 2. In addition to the original charges, the driver may be charged with interference or failure to obey a lawful order.
 - a. If the driver was going to be charged with an infraction (a civil violation), charging him on a GSS&C will not constitute double jeopardy.
 - b. If the driver was going to be charged with a criminal violation or designated criminal violation, both the original traffic charge and any additional charges should be made on the GSS&C. See OMS 204.05(4).
 - 2. Commercial Driver's License Violations: Three check-off boxes are provided for the purpose of interstate tracking of commercial motor vehicle violations. Checking these boxes, when appropriate, does not have any bearing on points or fines and does not require the officer to issue a summons.

- a. CDL - The driver has a commercial driver's license.
 - b. CMV - the offense was committed in a commercial motor vehicle
 - 1. CMV Definition: A vehicle with a gross vehicle weight rating of 26,001 lbs. or more; a vehicle designed to transport 16 or more persons, including the driver; or a vehicle of any size which requires hazardous material placards.
 - 2. CMV Exceptions: Farm vehicles within 150 miles of the farm, recreation vehicles, military vehicles driven by military personnel, firefighting vehicles.
 - c. HMC - the vehicle was placarded for transporting hazardous materials.
3. A complete home address of the defendant will be listed on all tickets issued. See OMS 109.01(2) b.3. This will assist the courts in collection of a civil judgment for a traffic infraction.
- a. Accident check-off box
 - 1. When the driver is cited for an accident-causing violation, this box shall be checked.
 - 2. The box is printed in black and serves only as a reminder to the officer and court personnel that the driver was involved in a traffic accident and that the Accident Report should be a part of court documentation at trial.
 - 3. Checking this box has no bearing on any fines and does not require the officer to issue a summons.
 - b. After deciding what charge(s) will be written, determine if the violation is a criminal violation, designated criminal violation or an infraction.
 - 1. For those traffic violations not listed on the face of the ticket, the officer will, in the space marked "Other Violations", list the section number, a brief description of the violation charged and the number of penalty points attached to the violation.
 - 2. Refer to the Traffic Ordinance Summary, DPD 70, for the penalty point and fine information for ordinances not preprinted on the ticket.
 - c. Summons - Procedures
 - 1. A summons requiring the defendant's appearance in court will be issued when:
 - a. The defendant is charged with a criminal violation of the Denver Revised Municipal Code or the Colorado Revised Statutes traffic code.
 - b. The defendant is charged with a traffic infraction but is also involved in an accident and the "Personal Injury/Death" or "Significant Property Damage" box is checked.
 - c. The defendant is charged with a traffic infraction and a criminal violation.
 - d. The defendant is charged with a 6-point speeding.
 - 2. All criminal violations printed on the face of the ticket are in red. The "Personal Injury/Death" and "Significant Property Damage" boxes are also printed in red. If any box printed in red is checked by the issuing officer, a Summons must be issued.

- a. "Significant Property Damage" has been defined by the City Attorney's Office as being damage to any vehicle or property of another person which is moderate or extreme (damage severity codes "2" or "3").
 - 3. Check the box "SUMMONS - IF THIS BOX IS CHECKED YOUR APPEARANCE IN COURT IS REQUIRED", set the arraignment date & time and serve. No information concerning points and fines for violations requiring a summons shall be written on the ticket.
 - a. To prevent any alteration of the ticket, place a large "X" through the Scheduled Fine and Early Payment Discount areas of the Penalty Assessment section.
 - d. Penalty Assessment - Procedures
 - 1. For those ordinances classified as "infractions" or "designated criminal violations", a Penalty Assessment Notice will be issued.
 - 2. Because they are civil in nature, arrests for violations classified as infractions are not allowed.
 - 3. Check the box marked "PENALTY ASSESSMENT"
 - a. The total number of penalty points and the total fine amount for the traffic infraction or designated criminal violation cited are to be written on the face of the ticket in the Scheduled Fine area.
 - b. The fines and points for C.R.S. violations are set by Statute and cannot be discounted.
 - e. Service
 - 1. A Penalty Assessment Notice may be "tendered" to the violator. The officer need only hold out and offer the ticket to the violator - this constitutes service.
 - 2. If the driver refuses service of the ticket for a Designated Criminal Violation, he may be issued a summons, requiring his appearance in court.
 - 3. A driver cannot be arrested merely for refusing service of a ticket for a Criminal Violation. The conditions in OMS 204.05(2)
 - a. must also be met.
 - f. For both Penalty Assessments and Summons, the issuing officer shall assign a date and time for arraignment.
- (4) Additional information, such as the circumstances of the violation which would be helpful to the officers of the court in prosecuting the case should be written on the back of the City Attorney's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (5) Officers will not scratch out information on the face of a ticket, but instead are to void the ticket and issue a properly completed one in its place. See OMS 204.14.
- (6) Amending a Ticket
 - a. When an error is discovered after a ticket has been served, a request to amend the ticket will be noted in the "Other Violations" area on the face of the ticket. The information to be amended and the correct information will be listed on the back of the first copy and initialed or signed by the officer.
 - b. The name, location, date, charge and officer signature cannot be added if they're missing from the face of the ticket. If they are incorrect, they can be amended.

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- (7) When using the Uniform Traffic Summons and Complaint/Penalty Assessment Notice for multiple offenses, issue only one ticket. The location where the first violation occurred to the location where the last violation occurred should be included on the front of the ticket. Additional violations or second violations of the same charge should be written in the Other Violation Section and indicated as such.
- (8) Officers will advise violators to read the instructions pertaining to either a summons or penalty assessment found on both sides of the defendant's copy of the ticket. They will also advise the violator that the ticket is the only notice he will receive.
- (9) When two or more officers are involved in issuing Uniform Traffic Summons and Complaint/Penalty Assessment Notices for traffic violations, the officer who will testify in court will complete the form in its entirety, signing his name as complainant and as the serving officer. In order to have the second officer or additional officers subpoenaed into court to testify; their name and serial number must be endorsed on the back of the City Attorney's copy as witnesses.
- (10) If a Traffic Investigation detective is able to clear a "Hit-and-Run" or "Incomplete" report by the issuance of a ticket to the defendant, and the officer making the original Accident Report is unable to appear to serve this ticket, the investigator handling the case will take the following steps:
 - a. Issue a ticket to the defendant, signing it as the complainant.
 - b. Sign the ticket as officer serving.
 - c. On the back of the ticket, list the name and serial number of the officer making the original accident report as a witness. Do not list the officer as the complainant.
- (11) A driver may be arrested if he is charged with a criminal violation of the traffic code and the conditions in OMS 204.05(2) a. are met.

204.07 Traffic Warnings

- (1) The Courtesy Traffic Warning, DPD 175, will be used for traffic violations which are primarily non-hazardous in nature.
- (2) Non-hazardous violations are defined as violations of any law, ordinance, or regulation affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians. Examples of violations for which a Courtesy Traffic Warning should probably be issued are:
 - a. No operator's license in possession, although it is valid.
 - b. No registration in vehicle.
 - c. Tail light or stop light out.
 - d. Obscured license plate.
 - e. Turning into one-way street the wrong way (no traffic present).
 - f. Non-hazardous bicycle ordinances.
 - g. Some cases of obscured windshield.
 - h. Head light out.
 - i. Failure to Sign Registration
- (3) Judgment and discretion must be used by officers when determining what type of citation to use. The Courtesy Traffic Warning is not a substitute for the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (4) Courtesy Traffic Warnings will not be issued for speeding violations which are in excess of 10 mph over the posted speed limit.
- (5) The Traffic Warning Ticket is composed of two (2) copies, the Violator's Copy and the Special Operations Division Copy. Care should be used in completing these forms, stating the facts on the reverse side of the Special Operations Division Copy.
- (6) Officers will attach the Special Operations Division copy to their log sheets.
- (7) Supervisors will review all Courtesy Traffic Warnings issued by their personnel to ensure that the violations fall within the guidelines established for a warning ticket.

- (8) The Special Operations copy must be sent to the Commander of Special Operations Division once the review process is completed.

204.08 Furnishing Unauthorized Persons with Citations, Summons and Complaint Forms.

- (1) Pursuant to Section 54-54 of the Revised Municipal Code, only Denver Police Officers and other employees of the City of Denver, as designated by the Manager of Safety, are authorized to issue Parking Citations, Uniform Traffic Summons and Complaint/Penalty Assessment Notices or General Session Summons & Complaints.
- (2) Officers and employees of the Denver Police Department shall not furnish any of the above mentioned citations or summons to any person(s) not authorized by the Manager of Safety.

204.09 Random Vehicle Stops

- (1) Officers will not stop motorists for the sole purpose of ascertaining if the driver has a valid drivers license or vehicle registrations: Delaware v. Prouse, No. 77-1571, U. S. Supreme Court.
- (2) A stop may be made if there is distinct and reasonable suspicion that the driver is unlicensed; that the vehicle is unregistered or misusing license plates.
- (3) A stop may be made if a definite departmental or division policy has been established that a certain number of vehicles will be stopped. Examples: Every tenth, fifth or third car or every other car traveling past a given point.

204.10 Driver's Restraint Violations

- (1) If it is determined that a person is driving a vehicle and is under suspension, denial, or in violation of a restricted driver's license, the person must be charged on a Denver County Court Criminal Summons and Complaint in the following manner:
 - a. A defendant who is DUS, DUR or DUD may be issued a summons on the street providing that his right index fingerprint is placed on the County Court copy of the summons. Identiseal fingerprint kits shall be available at District Stations and in all cruisers, district and traffic cars. A defendant who refuses to allow a fingerprint to be taken shall be taken to the Traffic Investigations Bureau for processing.
 - b. Other traffic charges may be filed in conjunction with DUS, DUD, or DUR, but must be converted to the State Statutes.
 Example: DUS (C.R.S. §42-2-138) and Speeding (C.R.S. §42-4-1101). Other misdemeanor charges, such as Resisting Arrest (C.R.S. §18-8-103), may also be charged in conjunction with these charges. Use blank spaces on the Criminal Summons and Complaint for these charges.
 - c. Denver police officers shall not convert Municipal Traffic Ordinance violations to Colorado Revised Statute traffic violations and charge the defendant on the Denver County Court Criminal Summons and Complaint form when such charges are not filed in conjunction with DUS, DUR, DUD, or DUI charges.
 - d. If other criminal violations or traffic violations, such as DUI, Hit and Run or Eluding, are to be charged in connection with DUS, DUD, or DUR, the defendant must be processed through the Traffic Investigations Bureau.
 - e. The court appearance date on the Criminal Summons and Complaint will be a minimum of thirty (30) days from the date of service.
 - f. In the box at the bottom of this form which indicates a bond has been set, check the box marked, "Bond not required."
 - g. The back of the District Attorney's copy shall be used to explain the reason(s) establishing probable cause for the driver restraint charge (i.e. driver observed eastbound on _____ Street, disregarding red traffic control device, etc.) and any additional notes the officer feels necessary for successful prosecution. Probable cause is not established by placing any additional charge(s) on front of Criminal Summons and Complaint. This procedure is necessary to thwart a motion to suppress based on no probable cause for arrest.

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- h. Any copies of the Criminal Summons and Complaint remaining in the officer's possession after the defendant has been served are to be put into an envelope and placed in the District Station or Bureau ticket box.
- (2) Drivers of U.S. Government owned or leased vehicles are required by government regulation to carry a valid state driver's license endorsed to correspond with the class of vehicle being operated. Government driver's licenses are no longer required or issued to government employees.
- (3) Military personnel who violate traffic laws while operating a private vehicle are responsible in the same manner as civilians. Drivers of official vehicles on official business, who are stopped by local police for traffic violations, should not normally be arrested or detained unless the nature of their offense is such or it is apparent that they are in such condition that further operation by them would be detrimental to their safety or the safety of others.
- (4) Military personnel driving a civilian vehicle must have a civilian driver's license. If reasonable proof of military duty in Colorado is available, an out-of-state driver's license is valid even though the civilian vehicle is licensed in Colorado.
- (5) The commanding officer, generally the Provost Marshal of the area, should be advised in serious cases involving military personnel. In cases of urgent military necessity, coordination will be effected between military and civilian authorities when possible.

204.11 Misuse of License Plate Violations

- (1) Misuse of plates violations (C.R.S. §42-3-133), will be handled by issuing a Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (2) The vehicle on which the plates are attached should not be impounded unless there are other violations in addition to misuse of plates. Prior to impounding unattended vehicles, use discretion. A recent change of ownership or transfer of plates may not be reflected in the master file. Do not rely entirely on records being current.

204.12 U. S. Mail and Other Public Carriers

- (1) The driver of a mail carrying vehicle shall not be taken into custody, except when they are charged with a felony, intoxication, or their mental or physical state is such that they are a hazard to society generally.
- (2) When physical arrests are made, the arresting officer shall immediately cause the Superintendent of Motor Vehicle Service, U. S. Post Office, to be notified.
- (3) Protection of Mail: Pending the arrival of a Post Office representative, the arresting officer shall be responsible for the safety of the vehicle and its contents.
- (4) The operator of government owned, leased or privately owned mail carrying vehicles shall be permitted to park in building entrances, in the courtesy loading zones and at the end of each block for pick-up and delivery only. These privileges are granted to facilitate the pick-up and delivery of the mail, and any abuse of them will warrant positive enforcement action to be taken.
- (5) Except as otherwise set forth in this Operations Manual, the operators of government owned, leased or privately owned vehicles operated by government employees, are required to obey all traffic ordinances and statutes as set forth in the Denver Revised Municipal Code and/or Colorado Revised Statutes.

204.13 Speeding Citations

- (1) All speeding citations shall be written in conformance with the Municipal Traffic Code.
- (2) All officers shall acquaint themselves with the location, type, size, and wording of all speed zone signs in the respective assigned area.
- (3) Issuing speeding citations: The officer citing the violation shall make out the citation for speeding, giving the speed the vehicle was traveling and the legal speed limit. If conditions warrant, officers may add the charge of careless or reckless driving. Officers must be able to articulate the driving that constituted either the charge of careless or reckless driving.

- (4) Officers shall not cite careless or reckless driving in lieu of a charge of speeding. Speeding may be used as a contributing factor in sustaining a charge of careless or reckless driving.
- (5) Officers enforcing speed laws shall use their judgment in regard to the number of miles per hour over the legal speed limit a motorist is permitted before being stopped and warned or cited.
- (6) In cases of inadequate markings or signs, the officer shall take no enforcement action. They shall call the deficiency to the attention of the Traffic Engineer on the Administrative Inter-departmental Referral form (ADM #45) and attempt to have the error corrected unless markings or signs are not required by ordinance. For example: Speed Zone Signs.

204.14 Citations – Voiding

- (1) When it is necessary for an officer to void a citation that they issued, because of an error or other legitimate reasons, the following procedures shall be followed:
 - a. A Traffic Citation Void Request, DPD 238, shall be completed by the officer voiding the citation, and submitted, along with copies of the citation, to the officer's supervisor for approval.
 - b. If applicable, the number of the citation written in lieu of the voided citation shall be included.
 - c. The form and the citation shall be forwarded to the Commander of Special Operations by the supervisor approving the request.
- (2) Officers driving a police vehicle are prohibited from parking illegally while not on official business.
- (3) Officers driving unmarked police vehicles, while on official business, are prohibited from parking illegally, unless:
 - a. There is an urgent need to do so, or
 - b. The illegal parking is for a meter violation or a loading zone violation only.
- (4) Officers receiving parking citations on police vehicles while on official business shall complete a Traffic Citation Void Request, DPD 238, and submit it to their supervisor for approval. The signatures of the officers and commanders must be legible.
 - a. The form and citation will be forwarded through the officer's chain of command and then to the Commander of Special Operations.
 - b. Each level of command shall assure that the officer was actually performing official business before approving the voided citation and shall issue appropriate instructions to avoid repeated violations.
 - c. All requests must clearly state the reason the officer is requesting the dismissal, and must detail the specific nature of the official business.
 - d. If the citation is for illegal parking (other than an expired meter or a loading zone violation) it is necessary to describe the urgent circumstances which necessitated parking at that location. Tickets for parking in a no parking zone permit only, or other restricted parking will be forwarded to the respective Deputy Chief, by the Commander of Special Operations, for consideration.
 - e. The Department is required to pay all parking fines except meter violations and loading zone violations while on official business. If the officer **request that the department pay the fine** for a parking citation that the officer received while on official business, the officer shall explain in detail, on a DPD 238 or DPD 200, the reason for the request. Officers found in violation will be subject to disciplinary action.
 - f. Violations by officers will be dealt with as follows:
 - 1. First violation: Oral reprimand with entry an SSR entry. (OMS 503.02)
 - 2. Second violation within a twelve- month period - written reprimand.
 - 3. Third violation within a twelve- month period - suspension for one (1) day without pay.
 - 4. Continued violations will be dealt with more severely.
 - g. Police vehicles parked in zones reserved for other agency vehicles may subject the operator to disciplinary action.

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- h. Outside agencies will handle their citations according to the rules established by the Parking Violations Bureau. The only exceptions will be when they are involved in a joint task force operation, investigation, or other "official" police business in conjunction with the DPD. If this is the case, they will process the citation by passing it up the chain of command of the Denver officers they are working with per section (4) of this policy. If the request is denied, the citation will be returned to the outside agency for disposition or payment.
- (5) Officers who receive overtime parking citations on their personal vehicles while attending court shall sign the front of the citation and indicate the docket number and court room attended, then forward it to the Court Coordinator for processing.
- (6) CSA employees in violation will be dealt with according to Career Service guidelines.

204.15 DELETED**204.16 Private Emergency Vehicles Involved in Traffic Violations**

- (1) Officers observing emergency vehicles on emergency runs being driven in a reckless or careless manner will document the facts and forward same to the Office of the Director of Excise.
- (2) Officers observing emergency vehicles not on emergency runs being driven in violation of the law will take appropriate action as with any other vehicle. See OMS 205.03

204.17 Juvenile Traffic Accident and Citation Procedure

- (1) Juveniles over the age of fourteen who are contacted by officers concerning traffic violations will be handled in the same manner as adults: the Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued and processed by the County Traffic Court. However:
 - a. If the incident involves a traffic charge which is classified as a Criminal or Designated Criminal Violation and another non-traffic ordinance violation, the Juvenile Summons and Complaint will be used for all charges.
 - b. If the incident involves a traffic charge which is classified as an Infraction in addition to a non-traffic ordinance violation, both a Juvenile Summons and Complaint and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued.
- (2) State law provides that any child of ten years or older may be charged with traffic violations; however, the prosecution must prove that a child between the ages of ten (10) and fourteen (14) knows the difference between good and evil.
- (3) Only under extenuating circumstances, and with the approval of a sergeant or the TIB will a child between the ages of ten and fourteen be charged with any traffic violation.
- (4) When a traffic summons is issued, no vehicle or motor scooter will be impounded unless the violation is of a serious nature or it has been involved in an accident and is not drivable.
- (5) When it is necessary to impound a bicycle, the procedures in OMS 206.01 shall be followed.
- (6) Juveniles involved in incidents in which there are both traffic violations and other offenses shall be processed for the most serious violation/offense to determine whether a police hold at Gilliam Youth Services Center or a release with an order-in is the appropriate disposition. If an order-in is made, it shall be to the Investigative Section responsible for the most serious violation/offense.
 - a. The order-in will normally be made to an office in the Police Administration Building and only to a district investigative unit when the related offense is burglary, theft or assault.
 - b. Detectives responsible for the most serious violation/offense will notify other detective(s) handling less serious violations/offenses of the order-in and coordinate the investigative effort.
- (7) Juveniles arrested for traffic offenses will not be placed in the Detention Facility. They shall be taken to TIB where it will be determined if they are to be held. See OMS 403.01 and 405.02. If they are to be held, they will be sent to the Gilliam Center with all appropriate charging documents. If they are not to be held, they will be processed according to OMS 405.08, Disposition of Juveniles Not Held.

204.18 Parking Citation Procedure

- (1) Parking Enforcement Policy:
 - a. It shall be the policy of the department to afford the driver or licensed occupant of an illegally parked vehicle the opportunity to move the vehicle prior to a citation being issued. The exception to this policy will be vehicles parked illegally in safety zones to include school zones.
 - b. Officers shall not cite a vehicle in continuous violation of a non-time specific parking zone, such as "No Parking Anytime", more than once each day. Each succeeding day will constitute a new and separate offense.
 - c. Officers shall not cite a vehicle in continuous violation of a time specific parking zone, such as metered and limited time zones, more than once in the a.m. and once in the p.m. in a single day.
- (2) A parking citation shall not contain more than three (3) parking violations. If more than three violations exist, additional citations shall be used.
- (3) The parking citation requires a plate type, plate number, state, vehicle make, vehicle style, date and time of offense and violation.
 - a. Check boxes are included for the most common plate types, license states and vehicle makes.
 - b. The flyleaf on the citation book contains state abbreviations, plate type codes, and abbreviations for vehicle makes and styles which will be used when a check box is not adequate.
 - c. If the vehicle being cited has no license plate or has a temporary registration permit, enter the last eight (8) digits of the VIN in the plate number boxes. The entire VIN number and temporary permit number, if applicable, will be written in the comments box.
- (4) Officers writing parking tickets for violations which are not preprinted on the ticket must include an ordinance number as well as a description of the illegal parking in one of the "Miscellaneous" boxes, numbered 16 or 66.
- (5) When a parking violation results in an actual or potential impairment to traffic flow, the appropriate violation(s) listed with an asterisk (*) shall be checked.
- (6) Parking on Private Property
 - a. Upon complaint by the owner or agent of any private property, an officer will issue a parking citation, placing the citation on the car in a visible location. The name, address, telephone number and signature of the complainant shall appear on the front side of the ticket, in the Comments area. NOTE: If the complainant is representing a business firm, the address and phone number of the business should be used. Do not use the complainants' home address and phone number under these circumstances.
 - b. The ordinance does not give the Police Department the right to tow and impound vehicles for this violation. See OMS 206.04(3) g.
 - c. Complainants shall be ordered into court to testify in all cases of appeal.
- (7) All citations issued shall be turned in at a district station or Headquarters prior to going off-duty.
- (8) All citations issued by off duty officers, including those issued during approved secondary employment, shall be turned in at a district station, Traffic Operations or Headquarters within eight (8) hours of the termination of employment.

204.19 Police Building Traffic Regulations

- (1) To enhance the safety of every person who works, conducts business, or visits the Police Administration Building, the underground parking area at the Police Administration Building has been designated for the parking of authorized vehicles ONLY.
 - a. All authorized vehicles must be properly parked in accordance with the marked spaces and within the designated times. Under no circumstance shall a vehicle be parked so as to block any of the entrances or exits.

1. Only law enforcement vehicles transporting prisoners shall be parked in the caged prisoner drop off area.
2. Assigned parking spaces are for the sole use of the individual or unit designated.
- b. Unless specifically authorized by their Deputy Chief, personnel are prohibited from entering underground parking levels except when driving city vehicles and conducting on-duty official business. Unauthorized vehicles parked in violation of these provisions may be ticketed and/or impounded.
- c. Unauthorized vehicles which are owned and/or operated by a police officer or CSA employee and found parked in the underground parking levels shall be in violation of this section.
- d. Violations by officers will be dealt with as follows:
 1. First Violation - Oral reprimand with an SSR entry. See OMS 503.02.
 2. Second Violation within a twelve-month (12) period - Written reprimand.
 3. Third Violation within a Twelve-Month (12) Period - Suspension for one (1) day without pay.
 4. Continued violations will be dealt with more severely.
- e. CSA employees in violation will be dealt with according to Career Service guidelines.
- (2) Unless otherwise directed, operators of all motor vehicles entering the underground parking will do so while traveling in a southerly direction on Cherokee Street. Those exiting the underground parking **will** utilize the south ramp and exit onto Cherokee Street in a southerly direction.
- (3) All vehicles shall be driven at a speed of not more than five (5) MPH on any portion of the parking levels of the Police Administration Building. Operators of all motor vehicles shall use utmost care and be alert for and yield the right-of-way to pedestrians.
- (4) The entrance to the parking levels in the Police Administration Building will normally be closed. To gain access, drivers must stop at the top of the entrance ramp and use the security card assigned to them to activate the automatic gate and doors.
 - a. To gain access without a security card, the driver must produce identification at the TV camera at the top of the ramp and explain, via intercom, the nature of official police business justifying admittance to the underground parking. A log will be maintained to document every such incident
 - b. Video tape records will be maintained documenting all vehicles and their drivers entering the underground parking.
 - c. Video tapes, logs and computer data will be reviewed regularly to identify incidents of unauthorized use of the underground parking.

**204.20 Parking Police Vehicles at the City and County Building and Denver International Airport
(Revised 03/2013)**

- (1) Police Department equipment shall not be parked in zones restricted to other agencies. This applies to both on-street and off street parking. See OMS 204.14. Official police cars may be parked on the underground parking levels of the Police Administration Building when an officer has a court appearance or other business to conduct at the City and County Building.
- (2) Personal cars of officers shall not be parked in zones restricted for police vehicles or other agencies. Citations for this violation will not be excused. These citations remain the responsibility of the vehicle operator.
- (3) Police Parking Procedures at Denver International Airport
 - a. Official Business

1. Due to construction at the Airport, Denver Police Officers on official business will contact an on-duty Airport Police Bureau Supervisor, prior to arrival, in order to arrange for short-term parking at 303-342-4136.

2. Should any difficulty be encountered, first try to resolve the matter by requesting to speak to a parking supervisor. If that fails, contact an on-duty Airport Police Bureau Supervisor, through the Airport police dispatcher, by radio or by phone at 303-342-4212.
 3. For official-duty parking over twenty-four (24) hours, the officer must pay the parking fees and include the amount in the request for reimbursement of travel expenses.
- b. Police Officers Not on Official Business
- Officers coming to the Airport on personal business are responsible for paying appropriate parking fees.
- c. Emergency Response
- Officers who are responding on emergencies should contact the Airport Police Dispatcher as soon as practical, preferably by police radio. The Airport Police Bureau will provide escorts and/or directions to a staging area, as necessary, to address the problem. This would include Bomb Squad, SWAT and any other units required on a major incident.

204.21 Citizen's Complaint on Moving Traffic Violations

- (1) When a citizen makes a complaint to a police officer against another citizen regarding anon-accident traffic violation not committed in the officer's presence and wishes to prosecute, the following information is necessary before the City Attorney will accept the case:
 - a. The citizen must be able to identify the driver, not just the car.
 - b. The citizen must have one other independent witness who can identify the driver.
 - c. The citizen must supply the license number and description of the car.
 - d. Information as to the date, time and location of the violation and violation type must be obtained.
- (2) The officer receiving this information will forward it to the Traffic Investigations Bureau on Inter-Departmental Correspondence, DPD 200. The Traffic Investigations Bureau detectives will conduct the follow-up investigation, and will notify the complainant when to appear to make identification and swear out the complaint.
- (3) In those instances when evidence is unavailable, or marginal at best to support the contention that a city Ordinance violation has in fact occurred, or where the information required in OMS 204.21(1) is not available, the officer shall tactfully but firmly explain to the citizen the limits of police and city attorney involvement allowed by the law.
- (4) In no instance is a citizen to be referred to the City Attorney's Office, the County Court or to the Information Desk at Police Headquarters.

204.22 Vehicle Registration Violations

- (1) When an Agency Investigator of the Denver Motor Vehicle Department contacts a Denver Police Officer for a violation of C.R.S. §42-3-103(4)(a), the officer may impound the vehicle for Improper Registration. On those vehicles impounded, the following procedures will be followed:
 - a. A citation for C.R.S. §42-3-103(4) (a) "Failure to obtain Colorado plates after thirty (30) days," will be issued by the officer. This will also be signed by the Agency Investigator.
 - b. An Impounded/Recovered Vehicle Report, DPD 224, will be completed by an Agency Investigator and co-signed by the officer.
 - 1 Reason for impoundment will be "Failure to obtain Colorado plates after thirty (30) days."
 - 2 Citation number and motor vehicle notice number will be included on the Impounded Vehicle Report.
 - 3 Also included will be date of original notice to indicate the thirty (30) day period has elapsed.

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- (2) Officers suspecting an out-of-state license vehicle being owned by a legal citizen of this state shall notify the officer in charge of the Traffic Investigations Bureau in writing. The investigator will in turn notify the Motor Vehicle Department.

204.23 Visible Emissions from Engines

- (1) Visible emissions violations will be charged on the General Violations Summons and Complaint.
- a. The "General Violations Summons and Complaint" will be completed and served in the same manner as the General Sessions Summons and Complaint, and **MUST** be used in emissions violations to ensure cases are filed in the Environmental Court.
- Violations of Section 4-5, Revised Municipal Code are **NOT** to be written on either the Uniform Traffic Summons and Complaint or the General Sessions Summons and Complaint.
1. Only emissions violations will be charged on the General Violations Summons and Complaint. Other violations coming to an officer's attention will be written separately on the appropriate summons, such as additional traffic charges on the Uniform Traffic Summons and Complaint. If two summonses are issued, summons numbers should be cross referenced in the officer's notes to ensure the charges will be tried at the same time.
 2. The appearance date will be fourteen (14) to thirty (30) days from the date of issuance. Avoid making the appearance date fall on a Saturday, Sunday, or Holiday.
 3. Officers' notes should be made on the back of the "Agency" copy, and will include the information pertaining to vehicle identification, such as year, make, model, license, and identification number.
 4. It is **NOT** necessary for the defendant to sign the General Violations Summons and Complaint.
- (2) When the temperature is thirty degrees Fahrenheit or **LOWER**, no violations will be charged. When the temperature is **ABOVE thirty** degrees Fahrenheit, the owner or operator of any motor vehicle exceeding visible emissions limits will be charged as follows:
- a. If the vehicle has a gasoline powered engine emitting visible air contaminants for a period of time greater than five (5) seconds, the owner or operator will be charged with a violation of Section 4-5 (b), "Emitted Visible Emission - Gasoline", of the Revised Municipal Code, on the General Violations Summons and Complaint.
 - b. If the vehicle has a diesel powered engine emitting visible air contaminants which exceed twenty percent opacity for a period of time greater than ten seconds (excluding diesel powered locomotives engaged in switching operations which are allowed forty percent opacity), the owner or operator will be charged with a violation of Section 4-5 (c), "Emitted Visible Emission - Diesel", of the Revised Municipal Code, on the General Violation Summons and Complaint.
 1. Only officers certified by the Department of Health and Hospitals are authorized to enforce the provisions of the ordinance that pertains to diesel emissions.

205.00 - ENFORCEMENT – TRAFFIC

205.01 General Procedures - Traffic

- (1) When a uniformed officer of this department witnesses a violation of the traffic law, unless otherwise officially engaged, they shall take appropriate action as in all other law violations.
 - a. Officers observing traffic violations committed by Regional Transportation District (RTD) bus drivers will stop the bus at the next bus stop and issue the driver the citation at that time. The officer will complete the citation as quickly as possible, keeping the inconvenience to the passengers to a minimum and bearing in mind the potential traffic hazards posed by a large vehicle stopped for any length of time.
 - b. In the event the next bus stop is a considerable distance from the point of the violation, the officer will stop the driver as soon as practical, notify them of the violation and direct them to stop at the next bus stop and await the issuance of the citation.
- (2) The aim of every police officer should be the use of the least irritating methods which will provide enough of the proper kind of enforcement and still maintain the best public relations possible. A violator is not entitled to both a citation and a lecture.
- (3) Officers off duty shall not arrest or cite traffic violators on sight except when the violation is of such a flagrant or dangerous nature that the officer is required to take the violator into custody.
- (4) Officers will not pursue traffic violators while in a private or personal vehicle.

205.02 Deleted

205.03 Guidelines for Handling Traffic Violators

- (1) Take uniform actions for the same violations under similar conditions.
 - a. Officers shall be well-informed and remain current concerning the rules, regulations, procedures and duties governing their specific assignments as well as any laws they may be required to enforce.
 - b. Officers shall have sufficient evidence to support the formal citation of an offense.
- (2) Take immediate action once a violation is observed. This must be done with the safety of the public and the police officer in mind.
- (3) Pursuit and Stop
 - a. Prior to the stop, take note of the license number, make, model and color of the vehicle and any other identifying characteristics; note the number of people in the vehicle and their sex; and check to see if the vehicle is stolen or has any other associated wants.
 - b. Notify the dispatcher of your anticipated traffic stop, giving your location and vehicle identification information, when practical.
 - c. After signaling the violator to stop, using emergency lights, P.A. system, horn, siren, or spotlight, direct the driver to the edge of the roadway or, if possible, off the roadway. If on the roadway, park your car ten (10) to twelve (12) feet to the rear of the violator's car and off-set three (3) feet leaving your four-way warning lights on.
 - d. Notify the dispatcher of your final location.
- (4) Vehicle Approach
 - a. Be alert at all times. Simple traffic violations may develop valuable police information or lead to the arrest of the violator on other charges.
 - b. A solo officer must be particularly cautious when making a traffic stop.
 1. Approach the vehicle from the left side, when practical, positioning yourself so that you may check the security of the trunk, the seats and floors, particularly if there are occupants in the front and rear seats.
 2. Conduct business from behind the rear edge of the driver's door, when practical, being able to watch both front and back seats.
 3. For safety, the Uniform Traffic Summons and Complaint/Penalty Assessment Notice should be completed by the officer out of traffic, on the sidewalk or shoulder of the road.

- c. The second officer in a two officer car shall cover the citing officer from the right side of the violator's car, making the vehicle occupants aware of his presence and positioning himself in such a way that he/she may observe all occupants. At no time will the second officer remain in the patrol unit.
- (5) Contact with the Violator
- a. An officer, acting in a professional manner, can minimize potential conflicts with the violator.
 - 1. An officer shall present a professional image in dress, grooming, language and attitude.
 - 2. Greet the violator in a courteous manner.
 - 3. Request the required papers. Documents should be removed from any holders. If a violator claims to be without a driver's license, they should be asked to produce other identification to ensure proper issuance of legal documents.
 - a. If the violator has no valid identification, the Identiseal should be used and a print of the right index finger should be placed on the back of the City Attorney's copy.
 - b. If identification or information other than a driver's license is used to establish a driver's identity, note what form of identification or information was used.
 - c. If the driver refuses to identify themselves, the officer may transport the driver to the Identification Section for the purposes of establishing positive identification. See OMS 204.06(4) d.2.
 - 4. Advise the driver of the reason for the stop and what action will be taken.
 - b. It is normal for traffic violators to offer excuses, rationalize actions or admit guilt. Officers should allow the violator to talk as this permits release of tension. Officers should not respond with any comment. If it is necessary to ask questions concerning the offense, avoid all derogatory statements.
 - c. Officers shall take appropriate action regardless of excuses offered by the violator: verbal or written warning, Uniform Traffic Summons and Complaint/Penalty Assessment Notice or arrest. If a verbal warning is appropriate, it shall be given expeditiously and courteously. See OMS 205.04.
 - d. To expedite the citation service, officers shall have the necessary equipment and forms readily available.
 - e. Documents given to violators shall be completed clearly and legibly, using black non-erasable ink. See OMS 204.14 Voiding Citations.
 - f. Upon completion of the contact, the violator's documents will be returned, one by one, with any necessary explanations. The violator is then allowed to proceed.
 - g. If necessary, assist the motorist back into the traffic flow. As a matter of courtesy, do not continue to follow the violator any longer than necessary.
 - h. Traffic violators are not to be seated in police vehicles unless they are to be jailed. An exception to this procedure is during the investigation of traffic accidents, when interviewing parties is required.
- (6) When it is necessary to have the violator get out of the vehicle, have the driver exit in such a manner that he/she stays out of the flow of traffic.
- (7) All the necessary information and instructions to the violator are located on both sides of the Defendant's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (8) Officers shall refrain from committing traffic violations themselves when contacting citizens concerning traffic violations, unless necessary to initiate the contact. See OMS 112.08, Emergency Operation of Police Vehicles.
- (9) In an effort to reduce accidents and accident-causing violations through the deterrent effect of high visibility patrol and selective enforcement, uniform traffic officers will give enforcement preference to high-accident locations identified throughout the city. See OMS 205.00, Traffic Enforcement.
- (10) All unmarked vehicles used for traffic enforcement should be equipped with emergency lights (red/blue) and a siren.

205.04 Recommending Drivers for License Re-Examination

- (1) An officer who contacts a driver who appears, due to age, infirmity, handicap, or other reasons, to be incompetent to safely operate a motor vehicle may submit a Request for Driver License Re-examination (Motor Vehicle Form 536) - to the Colorado Department of Revenue.

205.05 Bicycles and Mopeds - Enforcement

- (1) Every person riding a bicycle or a low powered scooter shall be subject to the laws applicable to the driver of a motor vehicle, except for special regulations and provision which by their nature have no application.
- (2) The following procedures shall apply to bicycles:
 - a. On traffic citations issued to bicyclists, the officer shall indicate in the "Other Violation" section, Motor Vehicle Laws Apply to Bicycles (RMC: 54-565), followed by the number and title or description of the ordinance which was violated.
Example: Motor Vehicle Laws Apply to Bicycles RMC: 54-565.
 Taking the Right of Way on a Left Turn RMC: 54-179.
 In the vehicle description space, write bicycle so that points are not incorrectly assessed to the bicyclist's driver's license.
 - b. Traffic accident reports shall be made for accidents involving bicycles and operated motor vehicles, when the criteria in OMS 203.02(1) have been met.
 - c. DELETED
- (3) The following regulations shall apply to low powered scooters:
 - a. A low powered scooter is defined in C.R.S. §42-1-102(58) as a vehicle with less than 4 wheels, not exceeding 50cc (6HP), or 4476 watts of electricity with an automatic transmission which is designed for primary use on a roadway.
 - b. Low powered scooter's registration shall consist of a State issued decal affixed to the frame in a conspicuous place.
 - c. Effective July 1, 2010, operators of low powered scooters must carry insurance.
 - d. A low powered scooter may only be operated at a maximum speed of 40 mph.
 - e. Operators of low powered scooters are required by C.R.S. §42-2-103 to possess a valid driver's license. Effective July 1, 2010, low powered scooters must have liability insurance.

205.06 Pedestrian Traffic Violations

- (1) A pedestrian violating traffic ordinances on any City street will be cited on a Uniform Traffic Summons and Complaint/Penalty Assessment Notice **ONLY** when:
 - a. Vehicular traffic is also present which presents an imminent danger to the well-being of the violator; OR;
 - b. The pedestrian's violation(s) impedes the normal flow of vehicular traffic.
- (2) In the absence of an imminent danger for the pedestrian or motorists, or any interruption of the vehicular traffic flow on City streets, officers will:
 - a. Orally reprimand the pedestrian violator; OR
 - b. Issue the pedestrian violator a Courtesy Traffic Warning citation, DPD 175.
- (3) Officers observing any pedestrian traffic violator on the freeway or interstate highway system will consider this action to present an imminent danger for the pedestrian or motorists and shall vigorously enforce the ordinances prohibiting hitchhiking, Denver R.M.C. Section 54-543(c), or pedestrians on the freeway, Denver R.M.C. Section 54-237.
 - a. In all instances, officers will make certain that pedestrian violators are removed from the freeway or interstate highway system without delay.
 - b. A second contact for the same offense or the presence of aggravating circumstances strengthens the case for citing the pedestrian violator on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (4) Accurate identification information and the complete address of a violator must be clearly printed on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice and on the Courtesy Traffic Warning. Pedestrian violators unable or unwilling to provide officers with adequate proof of identity may be walked through the ID Section to establish a positive identification. Details of the violation will be included on the back of the Courtesy Traffic Warning, just as they are on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.

205.07 Violations by Colorado Legislators (Revised 03/2013)

- (1) Pursuant to Article 5, Section 16 of the Colorado Constitution, no member of the Colorado General Assembly may be arrested while in attendance at the sessions of their respective houses, or any committees thereof, and in going to and returning from the same, except for treason or felony violations.
- (2) Traffic citations may be issued, however the legislator shall not be detained for an undue amount of time.
- (3) Should an officer have reason to believe a legislator is driving under the influence AND there is an accident with serious injuries or a fatality involved, the legislator will be arrested and processed for the suspected felony; DUI violation.
- (4) In the absence of felony violations, should an officer have reason to believe a legislator is driving under the influence, the officer may cite for a violation which caused an accident or was the reason for a traffic stop. For the safety and welfare of the public and the legislator, the officer will arrange for other transportation for the legislator and his/her vehicle will be parked and locked.

206.00 - IMPOUNDING PROCEDURES**206.01 Impounding Bicycles** (Revised 03/2013)

- (1) Officers are authorized to remove a bicycle from any street, bicycle path, or any other public place and to impound the bicycle when:
 - a. The bicycle is not in safe mechanical condition or lacks the required safety equipment as provided by ordinance.
 - b. The bicycle is operated by a person under the age of sixteen (16) years in violation of any ordinance of the City and County of Denver relating to traffic or in violation of any of the provisions of the Bicycle Code.
 1. Riding bicycles on the sidewalk has been legalized for the delivery of newspapers only OR when the sidewalk is part of a designated bicycle route. All riders are required to yield the right-of-way to pedestrians, leaving the sidewalk or dismounting if necessary.
 2. Bicycles are not required to be equipped with a warning device, but such devices are not prohibited, except for sirens.
- (2) Officers shall impound a bicycle when:
 - a. The frame number has been altered or obliterated in any manner (See C.R.S. §18-5-305).
 - b. The rider has left the bicycle unattended because of injury or illness.
 - c. It is found abandoned and safekeeping for the rightful owner is necessary.
 - d. It has been identified as a stolen bicycle via the NCIC/CCIC/DCIC computer systems.
- (3) When impounding a bicycle, for whatever reason, officers shall:
 - a. Transport the bicycle to a district station for shelter. A log is kept at all district stations. The log serves as both a chain of custody record and notice for the Bicycle Recovery Unit of the present location of the recovered bicycle for pick-up..
 - b. Complete a Bicycle Impounding Notice, DPD 271, and securely attach it to the bicycle. This form is both an inventory control and a claim check.
 1. Both portions of DPD 271 are left with the impounded bicycle when it has been found abandoned or left unattended because of rider injury or illness.
 2. Officers impounding a bicycle after contacting the rider shall issue the lower portion of the Impounding Notice as a claim check for the owner/rider. The upper portion of the form remains with the bicycle.
- (4) Bicycles not claimed within 30 days of recovery are subject to public auction. Persons inquiring about impounded bicycles are to be directed to the Bicycle Recovery Unit, 1930 35th St., (303) 295-4390.
- (5) Personnel assigned to the Bicycle Recovery Unit are tasked with the following:
 - a. Coordinate collection of impounded bicycles from District Stations.
 - b. Maintain inventory of recovered bicycles.
 - c. Identify any stolen bicycle on recovery list and notify assigned detective.
 - d. Prepare inventory of recovered bicycles for public auction.

206.02 Impounding, Releasing and Storage of Motor Vehicles (Revised 03/2013)

- (1) The Vehicle Impound Facility will be responsible for the custodial functions relating to the impounding, releasing and storage of impounded motor vehicles.
- (2) Personnel will maintain all records concerning the custody and the impounding and releasing from custody of motor vehicles.
- (3) The Records Bureau will verify reports of stolen cars, make all necessary NCIC/CCIC entries, keep records, notify owners of recovered vehicles and enter data for stolen and recovered vehicles.
- (4) The impounding officer shall be responsible for the proper removal, inventory and delivery to the Property Bureau of property as required in OMS 206.04(2) and (6).
- (5) At the Impound Facility, investigating officers or detectives shall be responsible for any property removed for evidence, for court, or for release to property owner, and shall check in with the Impound Facility attendant prior to visiting any motor vehicle and shall follow all Impound Facility procedures for removing evidence from any motor vehicle.

206.03 Permit for Admittance to Vehicle Impound Facility
Deleted 05-2011

206.04 Towing and/or Impounding Vehicles (Revised 05-2011)

- (1) Vehicles may be towed when it is necessary that they be moved or impounded. The decision to impound, or to park and lock a vehicle, must be made by the officer at the scene based upon the circumstances of the situation. Towing and/or impounding vehicles as a punitive action will not be tolerated.

(2) **Security of property and inventory requirements.**

The Supreme Court makes it clear that an inventory search must follow established departmental policies and satisfy the objectives of preserving the property of the defendant, shielding law enforcement against claims of lost property, and protecting law enforcement officers and others from any dangerous objects. By following routine and consistent procedures when conducting a vehicle inventory these objectives will be met.

a. **Impounding and inventorying vehicles for safekeeping:**

The on-scene officer, impounding a vehicle, is responsible for the protection and security of all property located in the vehicle. The officer impounding the vehicle shall inventory and secure all personal property by placing the property within the trunk or other secure location within the towed vehicle. When necessary because of the nature or obvious value of the property, (e.g. currency, firearms, electronics, and jewelry) the officer shall remove and deliver personal property to the Property Bureau for safekeeping. This policy authorizes the officer to open any closed containers found inside the vehicle as a part of this inventory process. When the officer secures the property within the impounded vehicle, the officer shall complete an inventory list of the property, attach a copy of the list to the tow slip, and send a copy to the Records Bureau for scanning into Versadex for the GO # related to the incident. When the officer removes the property to the Property Bureau, the officer need only complete the required documents for placing property into the Property Bureau.

Except in cases where the officer tows and impounds the vehicle in a secure cage and then seeks a search warrant, the Impound Facility shall not accept any vehicle into the facility without the written inventory list when the officer makes the decision to secure the property in the vehicle. When the officer splits the property (remove some to the Property Bureau and the remainder left in the vehicle), the officer shall complete an inventory list of the property, attach a copy of the list to the tow slip, and send a copy to the Records Bureau for scanning into Versadex for the GO # related to the incident. When the officer takes all property to the Property Bureau, they need only complete the Property Bureau documents.

If there is no property in the vehicle to inventory, the officer need only write NO PROPERTY IN VEHICLE on the inventory form, attach a copy to the tow slip, and send a copy to the Records Bureau for scanning into Versadex for the GO # related to the incident

b. **Park & lock situations:**

When leaving vehicles parked and locked, the on-scene officer is responsible for the security and protection of all property visible within the passenger compartment of the vehicle. The officer shall remove all personal property and secure it in the trunk of the vehicle or, if obviously valuable, (e.g. currency, firearms, electronics, and jewelry) shall deliver it to the Property Bureau for safekeeping. This policy authorizes the officer to open any closed containers found inside the passenger compartment to determine the proper means of securing the property. When the officer secures the property within the parked and locked vehicle, the officer shall complete an inventory list of the property, leave a copy in the vehicle, and send a copy to the Records Bureau for scanning into Versadex for the GO # related to the incident.

When the officer removes the property to the Property Bureau, the officer need only complete the required documents for placing property into the Property Bureau. If there is no property in the vehicle to inventory, the officer need only write NO PROPERTY IN VEHICLE on the inventory form, leave a copy in the vehicle, and send a copy to the Records Bureau for scanning into Versadex for the GO # related to the incident.

(3) The decision to tow or to park and lock will be made based upon the following guidelines:

- a. Vehicles Involved in Accidents
 1. Vehicles will not be impounded after an accident except when a driver is incapacitated and unable to make an intelligent decision about the vehicle's disposition.
 2. If possible, vehicles involved in accidents should be released to a responsible person or removed by private means and not impounded.
 3. A vehicle can be parked and locked, in which case the responsible person must be advised to remove the vehicle as soon as possible. Officers must be conscious of any hazard which might be created by a vehicle being left on the street.
- b. Abandoned Vehicle Procedure
 1. If a vehicle is parked in the same location on the street for more than seventy-two hours or appears to be an abandoned vehicle, the investigating officer must attempt to contact the owner and request the vehicle be moved.
 2. If the vehicle is clear on the computer information systems and the officer has been unsuccessful in having it moved, the officer will complete, Abandoned Vehicle Warning, DPD 221, or impound the vehicle. If DPD 221 is completed, all copies must be clearly legible to the reader.
 - a. The pink copy of the form is to be placed on the vehicle in a conspicuous place, such as under the windshield wiper blade or on the door post. DO NOT lay the notice on the seat.
 - b. The vehicle in question shall be marked on the left rear tire so the mark can be seen from the rear of the vehicle. If the vehicle does not have tires or wheels, indicate so on DPD 221.
 - c. The white copy of the DPD 221 will be forwarded via interdepartmental mail to the Abandoned Vehicle Unit, Vehicle Impound Facility.
 - d. The Denver Sheriff Abandoned Vehicle Unit will be responsible for making all necessary follow-up investigations and deciding on impounding or summary disposal of the vehicle when a DPD 221 is submitted.
 3. An officer investigating a complaint of an abandoned vehicle on private property will issue a citation signed by the owner of the property or his/her representative, and will include the citation number on the Abandoned Vehicle Warning, DPD 221, before it is forwarded to the Abandoned Vehicle Unit. Although the Police Department does not generally have the authority to tow vehicles from private property, the Abandoned Vehicle Unit will follow up on each complaint to determine if further action is appropriate.
- c. Arrest of Owner or Driver
 1. Generally, when owners or drivers of vehicles are arrested, such vehicles will be parked and locked.
 2. A notation will be made on the back of the arrest slip stating the specific location of the parked vehicle. The keys to the vehicle will be left with the owner.
 3. If a person is wanted and that person's vehicle is located, the vehicle will not be impounded unless it was involved in the crime. A vehicle will not be impounded merely to force a suspect to appear for questioning.
 4. Arresting officers are responsible for the security of property in the vehicle. See OMS 206.04(2).
- d. Vehicle Subject of Police Investigation
 1. In cases where the vehicle itself is involved in a crime and is to be held as evidence, the vehicle will be impounded.
 2. When a vehicle is placed in the Vehicle Impound Facility (VIF) with a hold for a specific bureau or detective, the officer having the vehicle impounded will notify the bureau or detective involved.
 3. Any vehicle in the Vehicle Impound Facility on an investigative hold must have a Notice of Vehicle Impounded for Investigation - Hold DPD 227, submitted by the detective assigned to the case. Officers may not place an on-going investigative hold without the approval of a supervisor on the DPD 227. Any vehicle for which a DPD 227 is not received at the Vehicle Impound Facility will automatically be released after five days.

4. A police hold on a vehicle may be released by the detective, or by the impounding officer with the approval of a supervisor, by **faxing** a copy of DPD 227 to the Impound Facility. This form must be **faxed**, even if the Impound Facility is also notified by telephone.
5. It is the responsibility of the detective or the officer releasing a hold on an impounded vehicle to notify the owner of the release.
6. If the investigating detective wishes to waive impound and/or storage charges, a completed DIF Form 001 must be **faxed** to the Impound Facility. This form must be **faxed**, even if the Impound Facility is also notified by telephone. An owner who is notified by telephone must remove the vehicle within forty-eight (48) hours of notification. An owner who is notified by mail must remove the vehicle within one hundred-twenty (120) hours (5 days) of the time that the notification is mailed. If the vehicle is not removed from the Impound Facility within those time limits, all charges of impound and storage fees will stand. The VIF will consider receipt of the fax as the start of the time limit.

- e. Recovered stolen vehicles whose owners cannot be contacted at the time of recovery will be impounded.
- f. Vehicles constituting a traffic hazard on any street, particularly on the interstate or freeway system, will be impounded.
- g. Vehicles illegally parked in such a way as to block private or public drives in violation of RMC Ordinance 54-458(2) will be handled in this manner:
 1. Vehicles blocking access to public property:
 - a. Issue a parking citation.
 - b. Move the vehicle by using an hourly tow, but do not impound.
 - c. The Records Bureau must immediately be notified of the following: the year, make, model, vehicle identification number, license number of the vehicle, and the specific location to which the vehicle was moved.
 2. Vehicles blocking access to private property:
 - a. Establish the legitimacy of the complaint
 - b. Issue a parking citation after the complainant signs the citation and adds his/her address and telephone number to the court copy.
 - c. Tow only on complaint, using an hourly tow, but do not impound.
 - d. The Records Bureau must immediately be notified of the following: the year, make, model, vehicle identification number, license number of the vehicle, and the specific location to which the vehicle was moved.
- h. Vehicles which need to be moved because of street repair, special events or other similar situations will be moved by hourly tows, but not impounded. If a vehicle is unlocked or opened to facilitate its being moved, the officer at the scene will be responsible for the security of any property in the vehicle. See OMS 206.04(2).

(4) Departmental tows will be requested through the dispatcher:

- a. In cases where emergency clearing of the street is necessary, the first car on the scene will order the number of tows required and advise the officer writing the report.
- b. If no emergency exists, the investigating officer will order the tow after determining the number needed.
- c. Officers shall not order a tow until they have made a firm decision as to the need. Per City contract, once a tow has been requested by the dispatcher, it cannot be canceled.
- d. If an ordered tow arrives at the scene and the officer decides for a sufficient reason that the vehicle is not to be towed or impounded, the officer shall:
 1. Sign a "No Go" slip for the tow driver.
 2. The officer requesting the tow will receive a copy of the billing invoice from the tow driver. This copy must be attached to the officer's log sheet. The supervisor will be responsible to forward this copy to the Financial Services Bureau so that payment can be made to the tow company.
 3. When a City contract tow has been ordered and the driver returns prior to the actual removal of the vehicle, the following procedure will prevail:
 - a. The driver will not be required to make payment to the tow driver.

- b. The officer will sign a "No Go" slip and release the car to the driver or owner. Follow the "No Go" procedure in OMS 206.04(4) d.2.
 - c. This procedure does not prevent any officer from taking enforcement action for any parking or moving violations which exist against the vehicle.
 - d. This procedure does not prevent the towing of any vehicle "wanted" by our Department or where the driver is arrested.
- 4. Officers experiencing a delay in excess of thirty (30) minutes while waiting for a City contract tow will specifically document all pertinent information on Inter-Department Correspondence, DPD 200, and forward it to the Financial Services Bureau, Room 406, at Headquarters. If the officer has waited over thirty (30) minutes, he/she may ask the dispatcher for an alternate contract tow or utilize any private tow that may be standing by at the scene to tow the vehicle to the City Car Pound. When an officer utilizes a private tow, the information must be included in the written memo to the Financial Services Bureau. Officers will sign a "no-go" in these circumstances and attach the invoice to the DPD 200.
- (5) Locked vehicles should be entered only when necessary. Whenever a locked vehicle is entered by an officer or a tow driver to expedite moving or to handle an emergency situation, or to obtain evidence, the investigating officer will be totally responsible for the proper disposition of all personal property in the vehicle as outlined in OMS 206.04(2).
- (6) Procedure to be followed when impounding vehicles:
 - a. Officers shall make out an Impounded/Recovered Vehicle Report, DPD 224, for each vehicle towed and shall list all articles left in the vehicle. They shall sign the report in the presence of the tow truck driver, who shall acknowledge same by their signature. Only spare tires, jacks, chains, etc., shall be left in any vehicle being towed to the Impound Facility.
 - b. All articles such as clothing, blankets, cameras, hand tools, and any other personal property shall be removed, inventoried, and then delivered to the Property Bureau for safekeeping. Officers will not remove keys from a vehicle when impounding, unless absolutely necessary. If keys are removed, disposition is to be shown on the Impounded/Recovered Vehicle Report, DPD 224. See OMS 206.04(2).
 - 1. When towed vehicles containing personal property arrive at the Impound Facility, the attendant will notify the dispatcher and identify the officer who signed the tow slip. A supervisor of the involved officer shall be dispatched to the Pound to make proper disposition of the personal property either by personally inventorying and delivering the property to the Property Bureau or by requiring their officer to do so.
 - c. Officers shall complete both the top and bottom half of the Impounded/Recovered Vehicle Report, DPD 224, and make sure all four copies are legible.
 - d. Officers shall give all four completed copies of the Impounded/Recovered Vehicle Report, DPD 224 to the tow driver.
 - e. Officers using City contract tows shall never sign a blank tow company invoice. The invoice will be signed only after all applicable and available information has been entered.
 - f. When a vehicle is towed, the officers' log sheet must list the following information.
 - 1. The license plate number or VIN of the vehicle(s) towed.
 - 2. Location to which the vehicle(s) was towed.
 - 3. Tow company invoice number.
 - g. Officers shall attach the copy of the billing invoice received from the tow driver to their log sheets. The supervisor will be responsible to forward this copy to the Financial Services Bureau.
 - h. Tow trucks which operate, i.e. pickup and drop solely within the City and County of Denver, can be issued a tow permit by the Director of Excise and License (R.M.C.55-186.). Tow trucks which operate on a statewide basis or a metro area basis are required to have a valid permit issued by the State Public Utilities Commission. Public Utilities Commission Towing permits are valid in the City of Denver. Any tow for hire operator found towing without a valid permit should be reported to the Public Utilities Commission. Police officers are not empowered to enforce the provisions of the Statute dealing with Public Utilities Commission issued towing permits.
- (7) When officers order hourly tows, they shall sign only one tow company invoice for each tow truck ordered. The invoice must contain the date and time the towing service began and ended.

- (8) Private tows will not be ordered over the radio except:
- a. For persons who are stranded and there is no other means of transportation or assistance available.
 - b. As provided for in the freeway procedures, OMS 208.01(3)b.
 - c. Vehicles that should be towed or otherwise removed from City property and that are not the subject of police investigation and where a custodian or owner is present may be removed by private tow as follows:
 1. If the vehicle(s) is to be moved by private tow, the officer will explain to the custodian or owner that a private tow can be ordered through Denver 911 and that the vendor under contract to the City will respond. The fees and/or charges for the towing service will be negotiated between the vendor and the citizen.
 2. When the citizen does not wish the contract tow, and when necessary and practical, officers will give assistance to the person by transporting them from the scene to the nearest phone where they may make their own arrangements for the removal and safekeeping of their vehicle.
- (9) Waiver/Adjustment of Towing & Storage Fees
- a. The Denver Revised Municipal Code, Section 54-813, authorizes the Manager of Safety to waive and/or adjust towing and/or storage charges under the following conditions:
 1. When the vehicle was impounded as a result of the operator being taken into custody and the operator has been released without charges being filed.
 2. When the vehicle has accumulated storage charges while being held as evidence, if the operator is not convicted of an offense associated with the impoundment.
 3. When the vehicle licensed in Denver County was reported as stolen and subsequently recovered and impounded by the police.
 - b. The Manager of Safety has delegated to the Chief of Police the authority to waive and/or adjust the towing and storage fees outlined in subsections 1 and 2 above. In those cases when a vehicle is towed / stored by mistake by a member of the Department, the towing and storage charges outlined in OMS 206.04(9) a.3 are the responsibility of the Director of Corrections.
 - c. The Chief of Police has delegated the authority to waive and/or adjust these fees to the Deputy Chiefs, Commanders, or their designees, and the Commander of the Civil Liability Bureau.
 - d. **MEMBERS OF THE DENVER POLICE DEPARTMENT HAVE NO AUTHORITY TO MAKE RESIDENTIAL DETERMINATIONS OR WAIVE/ADJUST TOWING FEES BASED ON HARDSHIP CONSIDERATIONS.**
 - e. The person waiving or adjusting the fees must complete a DIF Form 001 (1/94) and forward to the Vehicle Impound Facility. The completed form can be faxed to the Impound Facility or given to the owner of the vehicle.
 - f. It is the responsibility of the detective assigned the case or the person waiving or adjusting fees to notify the owner of the vehicle. An owner who is notified by telephone must remove the vehicle within forty-eight (48) hours of notification. An owner who is notified by mail must remove the vehicle within one hundred-twenty (120) hours (5 days) of the time that the notification is mailed. The VIF will consider receipt of the FAX as the start of the time limit.

207.00 - IMMOBILIZATION PROCEDURE

207.01 Immobilization of Vehicles

- (1) Upon discovery of a vehicle bearing a license number appearing on the traffic pickup list, officers shall notify the police dispatcher at once and ask for a verification of the pickup.
- (2) Immobilization will be requested only during those hours that the Traffic Violations Bureau is open so that verification of pickups may be obtained.
- (3) Police dispatchers shall also check with the Records Bureau for clearance information on any auto theft pickup.
- (4) Dispatchers shall notify the officer requesting the check, the status of the pickup. Upon verification of the traffic pickup and clearance from the Records Bureau, dispatchers shall send the Parking Management truck to install an immobilization device. Should the vehicle in question be wanted by this department, in addition to a traffic pickup, the officer shall impound the vehicle or make disposition according to the orders listed on the hold.
- (5) Officers shall await the arrival of the Parking Management truck. Immobilization forms, carried on the service truck, shall be completed and the original shall be attached to the windshield of the vehicle, directly in front of the driver's seat. The copies will be delivered by the driver of the service truck.
- (6) Officers shall impound the vehicle when a vehicle cannot be immobilized for any reason.
- (7) Immobilization devices shall be installed on only those vehicles wanted on traffic pickups.
- (8) Dispatchers shall notify the Parking Management truck to release immobilized vehicles upon notification from the Parking Division of Denver County Court.
- (9) Booted cars are to be towed only on the order of the Traffic Violations Bureau.

207.02 Immobilization of Vehicles on Private Property

- (1) Vehicles can be immobilized on private property by private individuals only in accordance with the provisions and restrictions as set forth in RMC Section 55-178.
- (2) Officers will primarily be concerned in preventing a breach of the peace in settling conflicts over immobilization on private property. However, in the following circumstances appropriate action will be taken:
 - a. In cases of theft, a General Occurrence (GO) Report will be made. A description of the suspect's car and license number will be included, if known by complainant.
 - b. In cases of damage to private boots the person will be charged with, Damaging, Defacing or Destruction of Private Property (RMC 38-71).
 1. If a police officer witnesses a person in the act of damaging or destroying a private boot, the officer will either jail or order-in the violator. Order-ins will be preferable unless circumstances warrant jailing.
 2. If a complainant or third party witnesses the act and can identify the violator, and will co-sign the Summons and Complaint and will testify, the officer will order-in the suspect provided that the suspect is still at the scene or still in the area
 3. If the suspect has left the scene or area and the complainant insists on action being taken, officers shall follow the procedures outlined in OMS 104.07.

208.00 - FREEWAY TRAFFIC ACCIDENTS

208.01 General Procedures - Freeway Accidents (Revised 03/2013)

- (1) Respond to the scene as soon as possible. If you are not close, request the dispatcher to send another car that may be in the vicinity. Avoid using the red light and siren unless necessary for personal safety.
- (2) Request immediate assistance as need determines.
- (3) The initial function of a police officer at the scene of an accident is to determine injuries, effect rescue, and to summon an ambulance if necessary. Give concise instructions for the best route to reach the scene if possible. Wreckers and ambulances should be promptly called to the scene when needed.
 - a. The most critical phase of accident investigation on the freeway is to minimize immediate hazards by the prompt removal of vehicles and other obstructions from the roadway.
 - b. Officers may request a contract tow through the police dispatcher for any hazards on the freeway system.
 - c. If it can be accomplished safely, determine the Point of Impact (POI) and record other significant evidence. Vehicles and other obstructions should be removed from the traveled portion of the roadway as soon as possible.
 - d. Officers shall reference on accident reports the location of all accidents on the freeways in accordance with the procedures outlined in the State of Colorado Investigating Officer's Traffic Accident Reporting Manual and the Versadex MDT reporting system.
 - e. The blocking of traffic for taking of photographs shall be limited to the more serious accidents.
 - f. A body should not be removed from an accident on the freeway until the Medical Examiner has given consent, except under circumstances outlined in OMS 203.03(6).
- (4) In the event of a gasoline or other flammable liquid spill on the highway, summon the Fire Department to cover the spill with dirt to reduce the hazardous condition. Motor oil and fuel oil spills should be sanded. Flushing with water will not remove this hazard. Notify the dispatcher to request assistance from the Colorado Department of Transportation (CDOT) with road clean-up efforts for these types of spills. CDOT personnel can also provide consultation and assistance with large clean-ups of other non-hazardous materials from the highway system.
- (5) If more debris is spilled on the freeway than normal city facilities can handle, assistance shall be requested from the Colorado Department of Transportation. Specify the type and amount of equipment needed.
- (6) Drivers of wreckers, if their services are required, are responsible to promptly and satisfactorily clean the accident scene. Any person who removes a wrecked vehicle from the freeway must clear all the debris.
- (7) Completing the accident report on the freeway shall be instituted only after the scene has been made safe from further accidents. Vehicles and drivers should be moved to a safe area before the report is written.
- (8) If the first car arriving at the scene of an accident does not have reporting responsibility and if the accident is relatively minor and movable, the officer should note the Point of Impact (POI), if it can be accomplished safely, and cause the involved vehicles to be removed from the roadway to a safe area. This information should be given to the officer having reporting responsibility.
- (9) Isolation of a lane of traffic or of the entire freeway should be resorted to only if immediate hazards warrant.
 - a. Use extreme caution in slowing or stopping traffic.
 - b. The accident scene must be neutralized as soon as possible, both for the benefit of those involved in the accident and for those freeway users who may be approaching the scene.
 - c. A police unit with all warning equipment should be utilized at accident scenes, especially at night.
 - d. Fuses in sufficient quantity should be utilized, particularly at night to alert approaching traffic of any hazard at the scene.
 1. Fuses should be employed, if possible, at a point well in advance of where traffic begins to form single lanes when approaching on accident scene.
 2. Highway cars normally carry a supply of fuses.

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- (10) Any accident involving a Commercial Motor Vehicle (CMV) occurring on the interstate system within the Denver City limits, an on-duty DPD truck inspector assigned to the Highway/Hazmat Unit of the Traffic Operations Bureau shall be called to the accident scene in order to complete a safety inspection if such an inspector is available. This inspector will determine which level of inspection is most appropriate and will be required to complete the proper inspection paperwork (DPD375). For any fatal accident or one involving serious bodily injury, see OMS 203.03.

208.02 Other Freeway Procedures (Revised 03/2013)

- (1) When stopping another vehicle, inspecting an unattended vehicle, or rendering assistance to a disabled motorist, the patrol vehicle should be parked well to the rear of the other vehicle with emergency light in operation and, if possible, all four wheels of the patrol vehicle should be off the traveled portion of the roadway. A foot approach around the rear of the patrol car and along the RIGHT side of the vehicle that was stopped for a violation provides greater safety to the officer from passing traffic. Any person removed from a suspect vehicle to be searched and/or arrested, should be taken as far off the roadway as possible to avoid exposure to passing vehicular traffic.
- (2) When on routine patrol, the patrol vehicle should be operated at a legal speed. If the patrol must be at less than a normal speed and traffic tends to "build up" behind the patrol vehicle, the officer should pull over, stop, and let the traffic pass; accelerate their speed to a point nearer or slightly above the maximum; or wave the following vehicles around the patrol vehicle.
- (3) Officers should stop and investigate every vehicle which is stopped on the freeway, if possible, when not on other assignment. If at all possible, officers should avoid making stops over the crest of a hill or in other areas where there is an increased safety risk to the officer and citizen. While engaged in a vehicle stop, the officer may diminish or shut-off their overhead vehicle lights to prevent a slowdown of passing traffic. This should only be done if it does not present an added danger to the citizen or officer.
- (4) Officers will consider any pedestrian violator on the freeway or system as presenting an imminent danger for the pedestrian or motorists and shall vigorously enforce laws prohibiting hitchhiking or pedestrians on the freeway. Officers will make certain that all pedestrians are removed from the highway without delay see OMS 205.06(3).
- (5) Debris or other objects observed on the freeway, which may affect the efficient and safe movement of traffic, should be removed as soon as possible.
- (6) Operating at speeds in excess of the maximum speed limit is not advisable when responding to accidents, particularly if the accident is of a property damage nature and the road is not obstructed.
- (7) Officers should avoid standing between the front of their patrol vehicle and the rear of a vehicle which they have stopped or are investigating.

209.00 - BARRICADES, HIGHWAY CLOSURES, AND ROADBLOCKS

209.01 Barricades and Temporary Traffic Control Devices

- (1) Barricades or other traffic control devices may be used to direct or assist in managing temporary traffic problems caused by malfunctioning traffic control devices, adverse road and/or weather conditions, accidents, crime scenes, and other hazardous or emergency situations not requiring continuous police presence.
- (2) Requests for temporary traffic control devices will be made to the police dispatcher who will then notify the Street Maintenance Division of the request. Street Maintenance services are available on a twenty-four (24) hour basis, and will order the barricades or other temporary traffic control devices. Street Maintenance will also be responsible for their removal.
- (3) If the hazard requiring the barricade is a serious one, officers should wait for the arrival of Street Maintenance personnel and assist in the placing of the barricades.
- (4) Arrangements for barricades and other movable traffic control devices for special events will be made through the Special Events Unit of the Special Operations Division. The Special Events Unit and the contract barricade supplier will be responsible for the placement and removal of the devices.

209.02 Interstate and Major Highway Closures (Revised 03/2013)

- (1) Upon determining the need to close a highway, officers will:
 - a. Estimate the time and extent of the closure.
 - b. Notify the dispatcher of the closure and request any additional assistance that might be needed.
 - c. Notify a Traffic Bureau supervisor, who will respond to the scene and assume Incident Command responsibilities.
 - d. Assist the Incident Commander with re-routing traffic along the newly established traffic flow pattern.
- (2) Upon receiving information of a closure, Denver 911 will:
 - a. Announce the closure over the METS line so the State Patrol, other law enforcement agencies that might be affected, and the news media will be informed of the problem.
 - b. Contact the State Patrol by telephone to assure they have received the information.
 - c. Notify an on-duty traffic supervisor of the situation, who will assume Incident Command responsibilities. This supervisor will ensure that the appropriate personnel from the Denver Fire Department, Denver Health Medical Center, Colorado Department of Transportation and any neighboring districts/law enforcement agencies are notified of the highway closure.
 - d. In the event of a full highway closure, an After Action Report will be completed by the Traffic Bureau supervisor.

209.03 Roadblocks and Forced Stops

- (1) FLEEING VEHICLES - The use of police vehicles or other obstacles as roadblocks to stop fleeing vehicles is impractical in an urban setting and rarely a justifiable police tactic because of the risks and hazards involved. Only on the direction of the managing supervisor of a pursuit, as a last resort, and to stop an individual who presents an extreme danger to the public, will a roadblock or other forced stop method be used. See OMS 204.01(2) c.3.c.
- (2) DETOURS - Police vehicles may be used as a temporary aid in directing traffic, blocking roads due to inclement weather or adjacent to crime scenes, serious accidents, chemical spills, fires or other events presenting a danger to the public, and to control vehicular traffic that might impede or disrupt the handling of such operations.
 - a. Officers using vehicles in this manner should not remain in the vehicle when there is a risk to personal safety.
 - b. Barricades should be used in lieu of police vehicles when the closure of the road is for an extended period of time. See OMS 209.01.

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- (3) **FIXED POSITION CHECKPOINTS** - Fixed position checkpoints may be established for vehicle safety checks, equipment and authorization violations such as overweight vehicles or hazardous material movement and the detection of drivers under the influence of alcohol and/or other similar violations. Checkpoints will be operated under the direction of a supervisor, in accordance with current state law and in a manner that minimizes traffic hazards and inconvenience to the public.

210.00 - HAZARDOUS MATERIALS

210.01 General Procedures (REV. 03-2013)

- (1) Every truck or railroad car should be considered a hazard because of the material it may be carrying, whether it is placarded or not. In case of an accident, fire, or spillage, the first officer to respond should:
 - a. Request additional support as needed:
 1. Medical aid for the injured.
 2. Denver Fire Department Hazardous Material Response Team to contain, neutralize, or take charge of any hazardous material spilled, leaked, or abandoned.
 3. Specially trained officers assigned to the Highway Unit of Traffic Operations will respond on all hazardous material incidents involving an accident, spillage, illegal transportation, and/or dumping. Certified Truck Inspectors with a Haz-Mat rating from the Traffic Operations Bureau can be contacted or call-out for hazardous material related incidents, including traffic accidents that result in serious bodily injury or fatalities.
 4. If appropriate, the METRO/SWAT Bureau should be called for perimeter control and possible evacuation.
 - b. Approach from upwind and uphill if possible. Do not walk into spilled material or clouds of vapor. A minimum distance of 300 feet is recommended, unless advised otherwise by personnel from the Denver Fire Department or Traffic Bureau.
 - c. Avoid inhaling fumes, smoke, and vapors even if no hazardous materials are evident.
 - d. Do not assume that gases or vapors are harmless because of lack of odor.
 - e. Move and keep people away from the incident scene.
 - f. Check for hazardous material placards. These placards identify the type of hazardous material cargo (flammable, poison, corrosives, etc.). Placards are located on the ends and sides of involved vehicles. Check for hazardous material I.D. numbers on cargo tanks, tank cars and portable tanks which identify SPECIFIC hazardous materials on board. These I.D. numbers may be found on orange panels, certain placards, and on shipping papers.
 - g. Ascertain from the driver or train crew members the type of material carried and retrieve the shipping papers from the cab, if it can be accomplished without risk to the officer.
 - h. If the shipping papers are not available, the trucking company or carrier may be contacted through the fire dispatcher, Highway Unit, or other Traffic Operations truck inspector to obtain information on the unknown material.
- (2) The Fire Department will be called to any scene where hazardous materials are involved or suspected. The senior Fire Department officer at the scene will assume command of the area needed for fire fighting, rescue operations and any area needed to contain and neutralize the spill.
 - a. If the Fire Department or state health department recommends the evacuation of people from the danger area, the Denver Police Department will supervise the evacuation. See OMS 210.02(5).
 - b. Both the Fire Department's Hazardous Material Response Team and those Highway Officers trained in handling hazardous materials may be called to the scene of an illegal dumping of hazardous material for both on and off highway incidents.
 - c. Personnel of the Denver Police Department will not take samples of unknown substances. The Fire Department will take any samples required.
 - d. If a vehicle containing hazardous materials is to be impounded, it must be done with the approval of the Fire Department and will be towed to the Fire Department holding facility.
 - e. The Fire Department will be responsible for the rescue of injured persons when the rescue is restricted by the presence of hazardous materials.
- (3) Responsibilities of police personnel at the scene:
 - a. Traffic and crowd control at and in the vicinity of the incident.
 - b. Keep avenues of access and egress open for emergency response vehicles.

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- c. Evacuate all persons, except required personnel, from the immediate area and keep them a safe distance from the incident scene.
- d. If toxic vapors are released, clear all persons from the area to the recommended safe distance area as ordered by the Fire Department. Continue to emphasize the hazard to responding emergency personnel.
- e. Establish a command post upwind, a safe distance from the scene of an incident. Make certain that each agency involved has a representative at the command post.
- f. Security of the area evacuated.
- g. Make frequent situation reports to the Denver Office of Emergency Management, when activated.
- h. If a vehicle or other conveyance carrying flammable liquids or compressed gas is involved in an accident, do not drive any vehicle near the scene as it may cause the material to ignite.
- i. Keep fires, open flames, flares, and smoking materials away from the scene.
- j. Set up warning signals (except flares) on the highway to warn approaching vehicles.
- k. Personnel from the Colorado Department of Transportation (CDOT) can assist with mitigation of hazardous material incidents occurring on the highway system, to include on/off ramps. CDOT shall be notified of any significant lane and/or highway closures and necessary repairs to the highway system.

210.02 Command and Control at Hazardous Material Scenes

- (1) Fire Department personnel are in charge until the situation is stabilized.
- (2) The ranking officer of the Highway Unit will assume command of police personnel at the scene of hazardous material incidents.
- (3) The METRO/SWAT Bureau will be in charge of the inner perimeter as determined by the Fire Department, if mandated for evacuations.
- (4) Investigation of the accident and restoration of the traffic flow will be the responsibility of the Special Operations Division/ Traffic Operations Bureau. A Traffic Operations supervisor will be advised of any such incident and shall respond to the scene to assume the immediate duties of Incident Commander.
- (5) When Fire Department personnel determine that evacuation is necessary, the commander of the Highway Unit of the Special Operations Division will advise the METRO/SWAT Bureau commander or supervisor. The METRO/SWAT Bureau commander or supervisor will be in charge of all aspects of the evacuation: notification of evacuees, arrangement of transportation and a relocation site, and control of the evacuated area.
- (6) If required, the METRO/SWAT Bureau will be responsible for transporting the mobile command post to the scene.
- (7) After Action Report, DPD 286
 - a. In addition to the required distribution of After Action Reports (See OMS 109.02, DPD286, and 502.07), a copy will be sent to the Highway Unit Commander and will include the total number of personnel hours expended.
 - b. A copy of the Traffic Operation Bureau's After Action Report will be forwarded to the Fire Department by the Highway Unit Commander and will include the cost of all Police Department manpower, equipment and materials expended throughout the duration of the incident.

210.03 The Denver Police Highway Unit will be responsible for: (REV. 03-2013)

- (1) Commercial vehicle inspections, both cursory inspection of easily observable equipment and in-depth inspection of concealed mechanical equipment. This includes inspections of hazardous material tankers, bulk cargo, or any hazardous material cargo shipper on commercial vehicles of any type.
- (2) Enforcement of statutes, ordinances, and federal rules and regulations pertaining to the transportation of hazardous materials.
- (3) Assisting the Fire Department at any scene involving hazardous materials.
 - a. Coordinating the on-scene investigation, gathering evidence and interviewing witnesses.
 - b. Identifying vehicle equipment violations, violations of Federal regulations, and other violations pertaining to the transportation of hazardous materials.

- c. Making the necessary reports on traffic accidents involving hazardous material spills, and supplying pertinent information to the U.S. Department of Transportation on incidents involving inter-state transportation of hazardous materials resulting in a leakage or spill. The actual spillage report of any hazardous or toxic substance is the responsibility of the Denver Fire Department Hazardous Material Team.
- d. Completing a General Occurrence (GO) Report on illegal dumps and spills of hazardous materials, on public and private property, even though not traffic related.

210.04 Follow-up Investigations Regarding Hazardous Materials (REV. 03-2013)

- (1) The follow-up investigations of hazardous material violations will be handled by detectives assigned to the Traffic Investigations Unit, with the assistance of a Hazardous Material Truck Inspector.
- (2) General Occurrence Reports requiring follow-up investigation will be routed to the Traffic Investigations Unit.

SERIES 300.00

INVESTIGATIVE PROCEDURES (Revised 4-13)

301.00 Criminal Investigations

- 301.01 Crime Scene
- 301.02 Interview/Interrogation of Suspects and/or Witnesses
- 301.03 Major Crime Event Investigation
- 301.04 Undercover Operations – Deleted/See Department Directive 05-08; Undercover/Covert Operation Training Manual
- 301.05 School Violence Notifications, Investigations and Follow-up
- 301.06 Third Degree Burglary Investigations Procedures
- 301.07 Deleted
- 301.08 Telephone Crimes
- 301.09 Deleted
- 301.10 Deleted
- 301.11 Bicycles Taken in Burglaries or Thefts
- 301.12 Theft - Shoplifting and/or Price Switching
- 301.13 Custody Incident Investigations
- 301.14 Investigation Where Death Has Occurred
- 301.15 Notification of Crimes Against Persons Personnel (Call-Out)
- 301.16 Known Dead Offense/Incident Reports
- 301.17 Aggravated Assault Cases
- 301.18 Assault/Disturbance Cases
- 301.19 Deleted
- 301.20 Deleted
- 301.21 Accidental Shootings
- 301.22 Robbery Reports
- 301.23 Sexual Assaults
- 301.24 Counterfeit and Altered U. S. Currency
- 301.25 Investigative Hypnosis
- 301.26 Deleted
- 301.27 Notification of Burglary/Theft Detectives on Unusual Cases
- 301.28 Deleted
- 301.29 Naming of Denver Police Officers as Suspects in Criminal Cases
- 301.30 Intimidating or Bribing a Witness/ Victim and/or Tampering with a Witness or Victim
- 301.31 Case Closure Designations
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- 301.33 Post Combined DNA Index System (CODIS) Match Investigative Procedures

302.00 Filings and Reports

- 302.01 Case Filing
- 302.02 Misdemeanor Case Filing Using the Criminal Summons and Complaint
- 302.03 Bail and Bondsmen: Investigator's Procedures
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- 303.02 Stolen or Lost Checks
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- 303.04 Stolen, Lost, Counterfeit, or Compromised Financial Transaction Devices

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- 303.05 Arrest of Suspects Involving Checks or Financial Transaction Devices
- 303.06 Confidence Games
- 303.07 Non-Return of Rented Property
- 303.08 Theft of Lodging/Meals
- 303.09 **DELETED 7/08**
- 303.10 Fraud by Check
- 303.11 Lost or Stolen Money Orders
- 303.12 Criminal Possession of a Financial Transaction Device C.R.S. §18-5-903
- 303.13 Examinations of Questioned Documents
- 303.14 Identity Theft and Criminal Impersonation
- 303.15 Forged Identifications
- 303.16 Undercover Operations and Notifications of the Financial Crimes Unit

304.00 Vice/Drug Control Bureau

- 304.01 Controlled Substances
- 304.02 Liquor Violations
- 304.03 Gambling
- 304.04 Pornography
- 304.05 Bottomless and Topless Entertainers
- 304.06 Prostitution or Procuring
- 304.07 Use of Military Personnel in Investigations
- 304.08 Anonymous Complaints
- 304.09 Hotel Checks
- 304.10 Drug Related Currency Seizure
- 304.11 Prostitution Offenses Relating to Sex Trafficking and Exploitation

305.00 Property Recovery Unit

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306.00 Supervisor's Case Progress Report

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307.00 Confidential Informants

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309.00 Bias-Motivated Crimes

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- 310.02 Colorado State Statutes and Denver Police Department Policy
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301.00 - CRIMINAL INVESTIGATIONS

301.01 Crime Scene

- (1) The crime scene is anywhere the action of the crime occurs or where evidence of that crime can be recovered. The crime scene contains proof that a crime has been committed. It often holds many or all of the elements of the crime and can provide an abundance of physical evidence. Evidence connects the crime scene to the victim, a suspect or suspects, and the suspect(s) and victim(s) to each other. Maintaining the integrity of a crime scene is of central importance to criminal investigations and therefore must be processed in a collaborative, professional and methodical manner.
 - a. Definitions:
 1. Crime scene integrity will be maintained by no fewer than one (1) and as many as two (2) levels of security depending on the crime scene type. Major crime scenes (as addressed in 301.01(9) d.) will consist of no fewer than (2) levels of security. Security can be accomplished by use of natural barriers, structures, police and emergency equipment, personnel, and crime scene tape. These security levels include:
 - a. Outer perimeter: this is the outer-most boundary of the crime scene. It is designed to exclude all non-essential personnel from the crime scene area. This outer area is also designed to provide a "safer or buffer zone" for officers to conduct official business during the processing of the critical, inner perimeter of the crime scene and provides a barrier from the public areas. When situations require, a command post and/or media staging can be designated in an area contiguous to this outer perimeter. The outer perimeter will be designated by YELLOW tape. This single level of security will suffice when the crime scene being processed only requires minimal protection.
 - b. Inner perimeter: this is the designation given to the boundary in a major case where the evidence exists and has been located. The inner perimeter will be accessible to those officers who have legitimate responsibility to the security of the crime scene, the completion of crime scene processing and the investigation of the case. The inner perimeter will be designated by RED tape.
- (2) Crime Scenes are documented using methods including, but not limited to:
 - a. Photography (still and video)
 - b. Measuring
 - c. Scene diagramming
 - d. Note taking and scene describing (supplemental reporting)
 - e. Homicide, Police Shooting, or other Critical Incident crime scenes, which results in a death or serious bodily injury where a substantial risk of death is present, will be processed using all available documentation methods when deemed reasonable and beneficial to the case.
 - f. All other crime scene investigations will utilize the proper level of documentation necessary to record the crime being investigated. The decision as to the level and reasonableness of the documentation necessary will be made collaboratively by the ranking member of the investigation team and the Director of the Crime Laboratory or their respective designees. Samples of large pieces of evidence are preferred over recovering the entire item unless it can be demonstrated that seizure of such evidence is beneficial to the case investigation. The decision to collect such large items may require consultation with the District Attorney or their designee.
- (3) General Provisions: The purpose of crime scene investigation is to properly and legally process a crime scene and collect sufficient evidence to justify the arrest and prosecution of the person(s) responsible for the crime, and to utilize recovered evidence in legal proceedings. An efficient and effective investigation requires that tasks be performed by the appropriate personnel to avoid duplication of effort. A systematic approach will be followed to ensure that all possible actions have been taken, and that the expertise of all investigative personnel has been utilized. Therefore, the provisions listed in this Section 301.01 will be adhered to by all officers and personnel when engaged in criminal investigations, whenever applicable and to properly document or cause to be documented, the crime being investigated.

- (4) Command at the Crime Scene. The first officer arriving at the crime scene is in command until relieved by a superior officer or upon arrival of personnel from the appropriate investigative unit. The command at the crime scene will ascend as delineated in OMS 501.01. The Crime Scene will be kept secure until such time as all reasonable efforts to process the crime scene have been accomplished. No unauthorized personnel will be allowed to enter the crime scene unless such entry is approved by the ranking member of the investigation team. If authorized, the admitted personnel will wear the proper attire, i.e., booties, gloves, Tyvek suit and mask, etc. as appropriate. All authorized personnel will have their name, badge number, and assignment recorded by the crime scene scribe on the "crime Scene Log" prior to entering the inner perimeter. Evidence contamination is a significant concern with regard to the processing of a crime scene; therefore, it is imperative that officers who touch the suspect do not conduct crime scene examinations. Furthermore, when more than one crime scene exists, i.e., multiple locations, suspect/victim vehicle, business, home, etc. that these crime scenes are not processed without first putting on the appropriate apparel, i.e., booties, gloves, Tyvek suit and mask, etc. Due to the fragile nature of evidence, it is paramount that no crime scene viewings be conducted until all possible evidence has been marked and a strict crime scene walking path has been established.
- (5) If there is the chance for the recovery of fingerprints or other physical evidence, the Crime Lab will be called regardless of the case being investigated. If no warrant issues exist, the crime scene will be processed by the Crime Lab personnel. If a warrant has not been obtained and the Crime Scene Detective believes one should be obtained before entering a crime scene, a Crime Laboratory Supervisor will be contacted.
- (6) General Occurrence reports on serious crimes which the investigating officer or his/her supervisor believe should have immediate follow-up or investigation, or which involves a prominent figure, or is likely to receive media attention will be routed without delay to the appropriate investigative unit after being approved by a supervisor. In addition, General Occurrence reports on the following serious crimes shall be immediately routed by Records Bureau personnel after the report is approved by a supervisor:
- a. Assault to a Police Officer if the officer requires hospitalization.
 - b. Assaults in which the victim is in danger of dying.
 - c. Kidnappings, hostage situations, or barricaded suspects.
 - d. All homicides or suicides.
 - e. Robberies in which the victim is seriously injured or shots are fired.
 - f. All sexual assault reports.
 - g. Burglaries or thefts in which the loss exceeds \$20,000, there is a substantial loss of narcotics or dangerous drugs, or there is a loss of toxic, radioactive, or dangerous material, including motor vehicles containing such material.
 - h. Confidence fraud games such as Bank Examiner's Swindle, Pigeon Drop, Jamaican Switch, or Gypsy Swindle.
- (7) Officers discovering a suspicious death or suicide shall assume that the death is criminal in nature and notify the Homicide Unit. They shall investigate all deaths, when there are reasonable grounds to suspect that the death was not due to natural causes. In the case of suspicious death, the dispatcher shall be notified at once.
- (8) In cases where the victim is dead or in serious condition as the result of gross negligence or the commission of a felony or serious misdemeanor, the ranking member at a crime scene shall arrange for material or essential witnesses to be transported to headquarters for interviews. Material or essential witnesses are those persons who have information relevant to substantial matters and are believed to be indispensable to the investigation.
- a. In the event these witnesses refuse to cooperate, officers should consult with a supervisor of the bureau or division responsible for the investigation or, in his/her absence, a supervisor in their own chain of command.
 - b. Colorado has no material witness statutes. Therefore, this is primarily a matter of using diplomacy to encourage the witness to cooperate. Short of a subpoena, we may not force a witness to appear at headquarters or submit to an interview.

- (9) The Ranking Member, (as defined by 501.01) at the crime scene of a serious crime shall exclude from the crime scene area all unauthorized persons and those who are not actually engaged in its investigation. Members of the Department who are off-duty or on-duty, but not assigned to the case investigation, shall not enter the crime scene or do anything that may interfere with the investigation. They further shall not alter physical evidence in any respect, provided, however, that the ranking member may assign such personnel to immediate duty, when necessary. Only with the permission of the ranking member of the investigation team, can persons not engaged in documentation process be allowed into an active crime scene. Section 301.01, (2)f will be complied with as it pertains to the wearing of the proper safety apparel and being recorded on the "Crime Scene Log."

The Ranking member at the crime scene shall ensure the following:

- a. It is understood that the process of securing a crime scene requires that the area be searched for victims, witnesses and suspects. This process shall be accomplished with crime scene integrity and evidence protection in mind. Once this initial procedure has been completed, the crime scene must be evacuated and secured for processing.
- b. The crime scene, as best as practical, will be maintained in the condition in which it was found at the time of the first responding officer's arrival. Nothing will be moved, changed, or altered to ensure the accuracy of video and/or still photography documentation.
- c. Once crime scene security has been established, any first responder(s) entering an active crime scene will be protected, as a minimum, by wearing nitrile gloves, which shall be made available through the Crime Laboratory Detectives. Additional levels of personal protection equipment may be required with more critical scenes, such as those involving large amounts of blood, hazardous materials, and/or fragile evidence.
- d. Any person(s) entering a Major Crime Scene (as defined in OMS 301.03) will be provided with instructions on the responsibilities while in the crime scene and documented as having entered and received these instructions by way of notation on the "Crime Scene Log."
 1. Any major crime scene will have the critical perimeter secured by way of RED crime scene tape. Members of the Major Crime Division and Crime Laboratory have this tape available for use. This RED line will exclude from this critical portion of the crime scene, all but the personnel necessary for processing the crime scene.
 2. The "Inner Perimeter" designation will require all who enter to wear safety apparel as may be dictated by the type of crime scene and the ranking member of the appropriate investigative unit. Investigative personnel responsible for processing the crime scene complete an investigative report; every other person who enters the inner perimeter will be required to complete a written statement detailing their actions while at the crime scene.
 3. All other crime scene perimeter areas will be secured with YELLOW crime scene tape.
- e. The first responding officers will document, by way of observation and note taking, any item(s) disturbed, moved or destroyed as a result of the emergency response to the crime scene. These notes and observations will be reduced to writing in the officer's statement and forwarded to the investigating detective prior to going off-duty.
- f. All crime scenes will be examined and processed using standard investigative protocol; maintaining crime scene integrity. Serious crimes, including but not limited to; death investigations, officer involved incidents, sex crimes investigations, serious aggravated assault investigations, and catastrophic incidents, where several officers may be involved, will have a "Crime Scene Log" scribe assigned at the crime scene entrance (outer perimeter), to document all those present in the crime scene. Upon completion, this log will be forwarded to the investigating detective assigned to the case.

- g. Evidence in a crime scene may not be immediately identified. It is important that nothing be touched until laboratory detectives/personnel have made a thorough search for evidence, including, but not limited to: fingerprints; blood; other body fluids; hairs; fibers; substance; article; or other trace material requiring scientific examination. In situations where inclement weather, natural disaster or other situation exists that may endanger evidence at the crime scene, all reasonable efforts will be made to maintain the evidence in the condition that it was found. Should these efforts prove ineffective, the evidence will be immediately collected and secured. Should a safety hazard exist, follow the procedure outline in (i) below. In any situation where evidence required movement or restaging prior to documentation, the collecting officer will note the current location and condition of the evidence prior to collecting. In addition, the collecting officer will place the evidence in the Property Bureau to limit and maintain the chain of custody. The officer who moved or changed the condition of the evidence will denote this activity in their written statement.
 - h. Anything found in or near the crime scene, or on a suspect, which would require scientific analysis to be used as evidence, shall be taken to the Property Bureau or Crime Scene Mobile Crime Laboratory and properly packaged for later examination by the Crime Laboratory. Crime Scene evidence will be collected in accordance with OMS 106.07.
 - i. Many crime scenes, such as domestic violence, minor assault, and burglary investigations, are processed and documented by the responding patrol officer. When the Crime Laboratory is called to a crime scene, that crime scene will be documented by Crime Laboratory personnel.
 - j. The Ranking Member at a crime scene where dangerous drugs, drug manufacturing equipment, explosives, or any other dangerous or hazardous material is present or suspected, will contact the appropriate qualified experts to assist with crime scene processing and evidence collection.
 - k. All reasonable effort will be made to maintain the crime scene and included evidence in its condition at the time of discovery; however, when the ranking member does not have complete control of a crime scene and a weapon (e.g., firearm, knife or bludgeon) poses a hazard to the safety of the officer or others, the weapon can be collected and secured. The officer who recovers this or any evidence will place the evidence into the Property Bureau to maintain and limit the chain of custody.
 - l. Unless directed by the ranking member at the crime scene, officers will not take photographs when the Crime Laboratory is available to photographically document the crime scene. When officers, other than Crime Laboratory detectives, photograph any portion of the crime scene or in any way document evidence, these photographs and documentation records will be immediately turned over to the detective assigned to the investigation for inclusion into the case file.
 - m. In accordance with OMS 106.08, officers shall not take photographs for personal use at a crime scene.
- (10) The decision to hold or release the crime scene will be made by the Investigating Bureau Commander in concurrence with Crime Laboratory Director or their respective designee. If the decision is that the crime scene is to remain secured; the respective District Patrol supervisor will be advised and officers will be posted at the crime scene until processing of the crime scene is completed.
- (11) Only the Commander of the Major Crimes Division will authorize the release of a crime scene related to any officer involved incident where death or gravely serious injury has occurred.

301.02 Interview/Interrogation of Suspects and/or Witnesses

- (1) When officers question suspects in custody, the officer will advise the suspect of his or her Constitutional rights delineated on Advisement Form, DPD 369. The preferred method of advisement is in writing on Advisement Form, DPD 369. If no form is available and it is impractical to obtain one, the officer shall provide the advisement verbally. See OMS 302.10.
- (2) The Court recognizes the admissibility of any voluntary statement made by a suspect following a proper advisement of their Constitutional rights. To ensure proper documentation, officers should record all statements and admissions made by suspects. Officers can record statements and admissions in the following ways.
 - a. The subject can write his or her own statement
 - b. The officer can write the statement for the subject.
 - c. The officer can record the statement with audio technology.

- d. The officer can record the statement with video technology.
- (3) To ensure the integrity of the criminal investigative process, no personnel, other than those actively involved in an on-going investigation, or those authorized by the respective Commander, will observe, either in person or by electronic means, the interview of any victim, suspect, or witness.

301.03 Major Crime Event Investigations

- (1) General information: major crime events are those which involve a large number of resources; attract intense media attention; impact the department or its personnel; or cause or may cause great public outcry.
- (2) Events within this section shall include, but are not limited to the following:
 - a. Kidnapping (18 and over)
 - b. Child abduction (under 18)
 - c. Missing children
 - d. Missing persons where foul play may be suspected
 - e. Disaster, which is part of the investigative responsibility assigned to the Crimes Against Persons Bureau
 - 1. Major industrial accidents
 - 2. Massive crime scenes regardless of the criminal event
 - 3. Multiple case investigations
- (3) Officers who are dispatched to, or discover any situation fitting any single criterion will evaluate the incident as quickly as possible. Appropriate medical aid and assistance shall be provided immediately. If a suspect is at the scene and if probable cause exists, the officer shall make an arrest, processing the subject according to OMS 104.04. If probable cause is lacking, a detective or detective supervisor from the appropriate investigative unit should be consulted prior to the subject's release from the scene. Once completed, the officer shall request, through the dispatcher, the resources necessary to secure the crime scene, interview witnesses, protect evidence and/or further the investigation.
 - a. Crime scene management shall follow the procedures outlined in OMS 301.01
 - b. Officers shall conduct the investigation using appropriate investigative procedures.
 - c. Notifications through Denver 911 shall follow the procedure outlined in OMS 301.15.
- (4) The dispatch supervisor shall notify the appropriate Division Commander or designee, who will evaluate the situation and direct the appropriate investigative response. The commander or designee may request the assistance of any department resource, or those of an outside agency. These resources may include, but are not limited to.
 - a. Tactical response
 - b. K-9 assistance
 - c. Fire department
 - d. Public works
 - e. Public service
 - f. Underwater search and rescue
 - g. Specialized search animals
 - h. Outside forensic scientists
 - i. FBI or other federal agency
- (5) Investigative protocol shall follow standard practice. Notifications through the Communications Bureau will follow the procedure outlined in OMS 301.15..
- (6) In cases where death has occurred, evidence exists that indicates death is apparent, or the probability of death is high, the Homicide Unit shall have the primary investigative responsibility.
- (7) Other cases may be assigned at the discretion of Division Commanders or their designee.
- (8) All reports, statements or other documents shall be processed in accordance with standard investigative practice.
- (9) Questions regarding any other procedures to follow shall be directed to a member of the Major Crimes Division.

301.05 School Violence Notifications, Investigations and Follow-up Procedures

[To replace the previously deleted section]

- (1) The purpose of this section is to define the duties and expectations of members of the Department as it pertains to timely notifications and prompt investigations of incidents, or threatened incidents of violence associated with any schools in the City and County of Denver. The goal of the section is to ensure that appropriate action is taken to prevent violence and to make certain that the proper command and investigative notifications occur. The incidents described below may occur on or off school grounds; however, there must be a nexus between the incidents being investigated and a public or private school within the City and County of Denver.
- (2) Duties and responsibilities
 - a. All Department members
 1. Whenever any member of the Department receives information or becomes aware of any of the following types of incidents, **in addition to** the appropriate response to the situation, as delineated in other sections of the Operations Manual or appropriate Directives, **the member will also** make prompt notification to the School Violence Detective (SVD). The SVD is assigned to the Intelligence Unit in the Investigative Support Division and can be contacted on a 24 hour basis through a Denver 911 supervisor.
 2. In addition, if any of the below listed incident types have a gang nexus, the member will also provide timely notification to the Gang Unit.
 3. Incidents of concern related to school include:
 - a. Any assault that:
 1. Results in serious bodily injury; or,
 2. Is a misdemeanor assault requiring the completion of a GO report (this would exclude incident that are handled via a JV summons)
 3. Is indicative of a pattern of violent behavior
 - b. Threats to injure persons or damage property
 - c. Large fights
 - d. Robberies
 - e. Weapons violations; including possession on school grounds or the threatened use of weapons against anyone
 - f. Sexual assaults or child enticement
 - g. Bomb threats or arson (ensure immediate notification to the Bomb Unit as well)
 - h. Major evacuations or lockdowns
 - i. Aggravated cruelty to animals
 - j. Missing persons
 - k. Any incident or event likely to generate media coverage
 - b. School Violence Detective (SVD)
 1. The School Violence Detective (SVD) is assigned to the Intelligence Unit. The SVD is assigned to serve as the liaison between the Denver Police Department, Denver Public Schools, and any other private schools / institutions of higher learning. The SVD is tasked with forecasting, detecting, and preventing acts of violence. While the SVD can assist on criminal investigations, this detective's primary duty is to coordinate with the investigative resources, command personnel, and school security, in addition to making timely notifications.
 2. Upon receiving notification of the above listed incidents, the SVD will determine if the incident is ongoing and if there is an immediate threat to anyone; if so, the SVD will respond to assist. In addition, the SVD will ensure that immediate notifications are made to:
 - a. The appropriate investigative bureau or unit
 - b. The Chief of Police, Deputy Chief of Operations, Commanders of the Major Crimes, Special Operations and Investigative Support Divisions and the affected District Commanders by the most expeditious means possible (for the purpose of this section email is not considered expeditious).

- c. Any other Bureau or Unit as dictated by the situation
 - d. DPS security, or any other appropriate school security officials
- 3. If the incident does not necessitate an immediate response, the SVD will coordinate with the investigative unit responsible for that type of incident. Information relative to the situation will be provided to the Commanders of the Major Crimes, Special Operations and Investigative Support Divisions, the affected District Commanders and, if appropriate, the affected High School Resource Officer (HSRO).
- 4. If the incident does not rise to the level that will result in a criminal investigation, but is still a potential safety concern, the SVD will coordinate with the supervisor of the Intelligence Unit for the most appropriate follow-up and notifications.
- 5. When requested, the SVD will meet and coordinate with Denver Public Schools on threat assessments, interviews and follow-up of students who may be a risk to themselves or others.
- 6. The SVD will follow-up on students or suspects who may pose a threat in the future on a periodic basis and will document this follow-up activity.
- c. Investigation Units
 - 1. It is the responsibility of each investigative unit within the Patrol Districts or investigative Division to keep the SVD apprised of the progress and outcome of all investigations that fall within the purpose of this section.
 - 2. The unit may request the assistance of the SVD on a case, but the unit will retain primary responsibility for completion of the investigation.
- d. District Commanders
 - 1. It is the responsibility of each involved District Commander, or their designee, to notify the appropriate school administrator(s) of any serious incident at the earliest possible time. If prudent, the District Commander(s) will provide all necessary police services and police personnel to conduct extra patrols and foot patrols at the beginning of the next school session and ensure that all students and school personnel are safe from possible retaliatory acts. These preventive measures will occur for as long as necessary.
 - 2. The District Commander will make certain that the HSRO knows of the incident prior to the start of school, when appropriate.
 - 3. The District Commander will coordinate activities with DPS Security, or any other appropriate school security officials.
- e. Gang Bureau
 - 1. If the incident is gang related/motivated, the commanding officer of the Gang Bureau will coordinate activities with the District Commander(s) and ensure that Gang Bureau personnel / resources are available, if necessary or requested, at the start of the next school session.

301.06 Third Degree Burglary Investigation (Reference C.R.S. §18-4-204) (REV. 03-2013)

- (1) A person commits third degree burglary if with intent to commit a crime he/she enters or breaks into any vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment whether of not coin operated. Third degree burglary is a class 5 felony, but is a class 4 felony if it is a burglary, the objective of which is the theft of a controlled substance, as defined in section 18-18-102(5), lawfully kept in or upon the property burglarized.
- (2) The Crime Lab should be notified if the possibility of fingerprints exists. If an arrest is made or is imminent, photographs should be taken of the apparatus/equipment broken into.

301.07 Deleted

301.08 Telephone Crimes (REV. 03-2013)

- (1) For the purpose of this section, the following definitions apply:
 - a. Obscene: A patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

See C.R.S. §18-9-111 (1.5) for reference.

- b. Telephone harassment: Communication with a person, anonymously or otherwise by telephone or telephone network, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, or suggestion, or proposal by telephone that is obscene; or makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or makes repeated communications at inconvenient hours that invade the privacy of another and interferes in the use and enjoyment of another's home or private residence or other private property; or repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response. See C.R.S. §18-9-111 (e), (f), (g) and (h) for reference.
- (2) If the suspect is known and can be identified, the dispatcher will send a car to handle the complaint via completion of a GSS&C Warrant, DPD 236. See OMS 104.07. In most telephone crime cases, the Denver Revised Municipal Code of 38-91 – Disturbance by use of telephone can be charged.
- (3) A police officer will be dispatched if the suspect is not known but:
 - a. The victim is subjected to a bomb threat; or
 - b. The victim is a Public Official; or
 - c. The victim is in an imminent life-threatening situation or other criminal action is threatened; or
 - d. The caller makes any comment, request, suggestion, or proposal by telephone which is obscene and the complainant has trapped the call using *57.
 - e. If the victim has received five (5) or more harassing telephone calls which have been successfully trapped by use of *57, enabling the probable identification of the call, an officer will be sent to complete a General Occurrence (GO) report.
- (4) This section does not apply to intimidation of a witness or victim, which is a felony under C.R.S. §18-8-704

301.09 Deleted

301.10 Deleted

301.11 Bicycles taken in Burglaries or Thefts (REV. 03-2013)

- (1) Whenever a bicycle is taken in a burglary or theft, officers shall include a serial number of the bicycle, if known by the complainant, and a detailed description of the stolen bicycle.
- (2) All information relative to the bicycle's description will assist the assigned detective in any future recovery of the stolen bicycle.
- (3) Reports of bicycle thefts without suspects may be completed on-line by the victim. The internet based reporting system is on the Denver Police Department's Home Page located within the main Denvergov.org website. If the bicycle is stolen during the commission of another crime, such as robbery or burglary, an officer must be sent to make an investigation and complete a report.

301.12 Theft - Shoplifting and/or Price Switching (REV. 03-2013)

- (1) Violations under \$500.00
 - a. Shoplifting/Price Switching violations under \$500.00 will be handled using the appropriate City Ordinance. Violations of City Ordinance Sections 38-51.5, Shoplifting, and 38-51.7, Price Switching, apply only to the theft of items displayed or in any manner offered for sale, including theft of meals or gasoline.
 - b. If a suspect is arrested and the total retail value of the merchandise is under \$500.00, the suspect shall be charged by the arresting officer with 38-51.5, Shoplifting, or 38-51.7, Price Switching, on the General Session Summons and Complaint (GSS&C). Do not charge the suspect with "Investigation."
 - 1. The arresting officer will provide complete details of the offense and all other pertinent information, such as names and addresses of any witnesses, on the reverse side of the GSS&C.
 - 2. A sales representative, buyer or any other person familiar with the value of the article(s) taken must be endorsed as one of the witnesses.

- c. The suspect is to be ordered in if the suspect:
 - 1. Has adequate, positive identification with a good photograph.
 - 2. Is not a transient.
 - 3. Has no pending wants or warrants.
 - 4. Has no other charges resulting from this incident which require jailing.
 - 5. Gives the officer no reason to believe that he/she will not appear in court.
 - 6. Is not known to the officer to be an habitual shoplifter.
 - d. If the suspect is ordered in, a Street Check will also be completed.
 - e. If the above criteria are not met, the suspect shall be jailed. If the suspect is jailed, in most cases the "Jail, Bond Not Required" box shall be checked on the GSS&C. When a bond is not required, the suspect will be released after processing.
 - f. The victim (merchant) may retain or dispose of the item(s) involved in the theft if the procedure below is followed.
 - 1. The reporting officer will take two digital photographs of the item(s) involved in the theft. When possible, the suspect will be included in the photographs, but must first give his/her permission to be photographed.
 - 2. Digital photographs of the item(s) involved taken by the merchant can be used in place of photos taken by the reporting officer. When possible, the suspect will be included in the photographs, but must first give his/her permission to be photographed.
 - 3. The names of witnesses who can testify to the details of the photographs shall be endorsed on the GSS&C.
 - 4. A Statement, DPD 366, will be completed by each eyewitness and the victim. The statement will include this information:
 - a. The name, address and telephone number of the person taking the photographs.
 - b. The full name (legal corporation name), address and telephone number of the victim.
 - c. The retail price as shown on the price tag of each item stolen.
 - 5. The photographic disk and statements will be placed inside the Document Pack for Municipal Cases, DPD 504, envelope, which then will be stapled to the City Attorney's copy of the GSS&C.
 - g. When a suspect in a theft under \$500.00 is known and the identity has been verified, but the suspect is not at the scene, a GSS&C Warrant, DPD 236, shall be completed and processed as in OMS 104.07.
 - h. Gas Drive-Offs will be handled via counter report in accordance with OMS 102.05 (18).
- (2) Violations of \$500.00 to \$1,000.00
- a. Shoplifting/Price Switching violations between \$500.00 to \$1,000.00 will be handled using State Statutes.
 - 1. Complete a General Occurrence (GO) report listing the name of the store as the victim, such as Target, Macy's, etc., and state the store's address.
 - 2. List all items taken in detail and state the retail value of each.
 - 3. Statements from all parties involved must be taken by the reporting officer.
 - 4. Witnesses to be endorsed must include the store's buyer.
 - 5. Reporting officer must complete a statement detailing observations and investigative action taken.
 - 6. The case will be presented to the District Attorney Intake Deputy by the assigned detective to determine the appropriate criminal charge(s).
 - b. Two photographs of the evidence are acceptable for court in all misdemeanor case filings. Photographs must be in color and placed in evidence. All perishable items must be photographed by the reporting officer or Crime Lab.
 - c. If a suspect is arrested and the total value of the merchandise taken is \$500.00 or more but less than \$1,000.00, the officer will charge the suspect with "Investigation of Theft (Misdemeanor)" on a GSS&C and complete a Misdemeanor Processing Form.

- (3) Violations of Over \$1,000.00
 - a. Prepare a General Occurrence (GO) report,, showing the name of the store as the victim, such as Target,, Macy's, etc., and list the store's address.
 - b. The arresting officer will charge the suspect with "Investigation of Theft (Felony)" on a GSS&C and complete a Felony Processing Form.
 - c. If a suspect is arrested for Felony Theft and has been convicted of Felony Theft from a store twice or more in the preceding four years, he/she is to be processed for mandatory sentencing by the assigned detective. The detective will charge the suspect under C.R.S. §18-4-401. The District Attorney Intake Deputy is to be notified of the previous convictions at the time the case is presented for acceptance.
- (4) Juvenile Shoplifting Offenders
 - a. Misdemeanor Violations (Under \$1,000.00)
 - 1. If a juvenile suspect meets the criteria outlined in OMS 402.07(2) and (3), and has been cleared through the Denver 911 Clearance Channel, the arresting officer may order the juvenile directly into court, using the Juvenile Summons and Complaint.
 - 2. If the juvenile suspect, for whatever reason, does not meet the criteria in OMS 402.07(2), a General Occurrence report, and Juvenile Case Summary will be completed and the suspect will be transported to the district investigative unit for the district in which the offense occurred. . If after hours, process through the Juvenile Intake Bureau.
 - 3. The evidence in misdemeanor shoplifting arrests will be handled as described in OMS 301.12 (1)f.
 - b. Felony Violations (\$1,000.00 and Over)
 - 1. The arresting officer will complete a General Offense report, DPD 250, Juvenile Case Summary and take statements from all involved witnesses.
 - 2. Evidence seized in felony shoplifting arrests will be taken to the Property Management Bureau .
 - 3. Juveniles arrested for felony shoplifting must be transported to the district investigative unit for the district in which the offense occurred. If after hours, process through Juvenile Intake.

301.13 In-Custody Incident Investigations

(Revised 11-2011)

- (1) General Procedures
 - a. Definitions
 - 1. Law Enforcement Officer
 - a. Any peace officer described in accordance with C.R.S. 16-2.5-101, and certified by the peace officer standards and training board (P.O.S.T.). This will include non-certified deputy sheriffs described in C.R.S. 16-2.5-103 (2).
 - b. For purposes of this section, 'federal law enforcement officer' means persons employed as full-time law enforcement officers by the federal government authorized to carry firearms while performing their duties and make forcible arrests when necessary.
 - 2. Law Enforcement Custody
 - a. Law Enforcement custody includes all care, custody, or control circumstances where law enforcement is present. This will include, but is not limited to incidents where the individual is restrained or not, police related vehicle pursuits resulting in injury or death, and suicides occurring in the officers' presence or while the law enforcement officer controls the incident.
 - 3. Critical Incident
 - a. An incident in which an officer has contact or attempt contact with a subject, or an incident occurring in the officers' presence, where the subject suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action.

- b. When a person is in the custody of law enforcement in the City and County of Denver suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action officers shall immediately notify Denver 911. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Denver 911 records all telephone and radio transmissions for later use in an investigation. The dispatcher will notify the following person(s) as required:
 1. Ambulance
 2. Sufficient patrol coverage
 3. The on-duty Command Officer for the District of occurrence.
 4. The on-duty Homicide and/or General Assignment Detectives.
 5. The on-call Police Shoot Team.
 - a. Major Crimes Section Command Officer
 - b. Homicide Unit Supervisor
 - c. Primary and Secondary Homicide Investigators
 6. The Crime Laboratory.
 7. The on-call District Attorney.
 8. The Commander of the Major Crimes Division.
 9. The Deputy Chief of Operations.
 10. The Commander of the Internal Affairs Bureau.
 11. The Public Information Officer.
12. The Chief of Police.
13. The Manager of Safety.
14. The involved officer's Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer's family.
15. The Coroner's Office, in any case where death occurs.
- c. Immediate measures to employ when caring for the unconscious person in custody include:
 1. Administer appropriate first aid.
 2. Remove the person to a hospital if the possibility of life exists.
 3. An officer shall accompany the person to the hospital. This officer shall take note of any statement made, take possession of clothing or other evidence, and protect personal property.
 4. Place a hold order if the person is a suspect and notify the Denver Sheriff's Department.
 5. Should the person die, follow the additional procedures outlined in OMS 301.14(8).
- d. The ranking officer at the scene is immediately responsible for crime scene protection. The responsibilities include but are not limited to:
 1. Protecting the crime scene using appropriate methods.
 2. Determining what occurred through observations and officer and civilian witness statements.
 3. Ask general questions of the involved officer(s) limited to those necessary to locate and secure witnesses, evidence or the crime scene. The Commander of the Major Crimes Division or designee will determine the need for formal statements from any officer or witness.
 4. Provide the Denver 911 dispatcher and responding detectives with all available information.
 5. Assist and follow the directives of the ranking officer of the Major Crimes Division in compliance with Duties & Responsibilities section 13.12.
 6. Prepare an After Action report, DPD 286, sending a copy to the Homicide Unit. Attach a copy of the personnel detail(s) for all districts and other units covering the scene or assisting with the investigation.

7. Ensure the completion of a Use of Force Report, DPD 12.
 - a. Use the front of the form to report the appropriate information. The narrative shall detail the incident.
 - b. Attach a copy of the After Action report, DPD 286, to the Use of Force report, DPD 12. Forward the original Use of Force report, DPD 12, to the Internal Affairs Bureau, with one copy to the Bureau/District Commander, the Commander of the Major Crimes Division, and one copy to the Commander of the involved officer(s).
8. Ensure that all officers who respond to the scene or assist in any way submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.
- e. In custody incident investigations shall follow the procedures outlined for officer involved shootings, OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.
- f. In all situations where the subject attempts suicide while in custody, whether transported to a medical facility or not, responding officers shall notify a Homicide Unit supervisor.
- g. Homicide investigators shall respond to all scenes of attempt suicide where paramedics, emergency service personnel, or anyone else transports the subject to a hospital, or where the injury sustained by the subject is potentially life threatening.
- h. Direct all questions regarding any of the procedures to follow to a member of the Homicide Unit.

301.14 Investigations where Death Occurs

(1) General Information

- a. At the scene of a fatal traffic accident the traffic investigator is authorized to direct the removal of a body or bodies from the scene by DHMC ambulance or other city contracted ambulance services, prior to arrival of the Coroner or Coroner Investigator, where it is apparent the cause of death resulted from an automobile accident. When evidence at the scene of the traffic fatality indicates foul play or that the cause of death resulted by some other agent, (exception: apparent heart attack) officers will notify the Homicide Unit Supervisor.
- b. Officers will notify the Coroner's Officer when handling any call or scene where they find bodies. See OMS 301.14(9) for procedures to call out the Coroner or Coroner Investigator.
- c. Officers shall not inventory the personal property on the body found at any scene or search the body for any reason. This is the responsibility of the Coroner or Coroner Investigator, and officers shall await their arrival. The officer must proceed immediately to the Coroner's Office to obtain from the Coroner or Coroner Investigator a list of the effects and any other data, such as to identification, money, jewelry, and personal effects
- d. Under normal conditions at a traffic fatality, victims pronounced DOA by the ambulance attendant at the scene, will remain at the scene unless officers obtain prior permission from the Coroner or Coroner Investigator. However, conditions may exist where the body is in public view, which would make it necessary to expedite the removal. Under no circumstances will officers move or have moved the body of the victim of any crime or suspected crime of violence without first consulting the Coroner and a Homicide Unit Supervisor.
- e. With respect to traffic fatalities, the commanding officer at the scene from the district or bureau responsible for the investigation shall have the authority to order such emergency removal of a body, when in their opinion the health and safety of the public or an officer is in jeopardy.
 1. The commanding officer shall immediately notify the Coroner's Office of their action.
 2. Adequate precautions must be taken to protect evidence at the scene, i.e., point of impact, position of victim, and/or other evidence.
 3. When practical and possible, officers at the scene should draw an outline of the body's position with a crayon or chalk before removal.
 4. Officers will consult the Coroner and the Homicide Unit Supervisor when requesting the removal of any victim not associated with a traffic fatality.
- f. When officers locate deceased persons in places other than streets, officers shall endeavor to have some relative, or other person present as a witness at all times for their own protection against any false accusations, which may arise later providing that such attendance does not interfere with the normal investigative process.

- (2) Homicide
 - a. Follow general investigation procedures as listed:
 - 1. Call for necessary assistance, such as an ambulance, the Coroner or Coroner Investigator, an investigator from the Homicide Unit or Crime Lab personnel.
 - 2. Make a General Occurrence Report, Sick and Injured Report, DPD 150, and other reports that are necessary.
- (3) Suicide
 - a. Same procedure used in homicide investigations and shall include the following:
 - 1. Officers will treat suicide notes, if any, as evidence. Investigating officers at the scene should not touch the notes. Compliance with this condition allows the Crime Lab personnel at the scene to process them. If, for any reason, they are touched inadvertently or moved to protect them from destruction, officers will place notes or suspected notes into the Property Section as evidence (See OMS 106.03). Officers will under no circumstances attach the notes to the General Occurrence Report, nor include the contents of the notes in the body of the report.
 - 2. When investigating officers cannot obtain the note or letter for any reason they will:
 - a. Include the reason(s) for not recovering the note in their statements
 - b. Relate the contents of any note to the investigating detectives, OR
 - c. In the absence of any covering detectives, officers will write the contents of any note on an Inter-Departmental Correspondence, DPD 200, and forward it in a sealed envelope to the Homicide Unit.
 - 3. In cases where there is any doubt regarding notes or other written documents pertaining to the matter under investigation, officers will handle such documents as legal evidence.
 - b. Officers will adhere to these procedures in instances of attempted suicide:
 - 1. Make a General Occurrence Report, and a Sick and Injured Report, DPD 150, listing the person who attempted suicide as the "victim."
 - 2. Officers will make an Emergency Mental Illness Report, DPD 340, and have the victim taken to Denver Health Medical Center for evaluation and/or treatment. See OMS 104.30.
 - 3. Officers will not list the person attempting suicide as the suspect, nor will they be placed into the Denver Sheriff's Detention Center for "attempted suicide" only.
 - 4. If the person who attempted suicide committed any other criminal act that requires jailing, officers will make a General Occurrence Report, detailing both the Attempt Suicide and the criminal offense. .
 - 5. If there are any questions regarding the procedure to follow on an individual case basis, officers will contact a member of the Homicide Unit for advice.
- (4) Accidental Deaths
 - a. For traffic deaths, see Traffic Procedures, Series 200.00.
 - b. In cases of death caused by fire, industrial accident or drowning, and all other incidents involving a death or serious injury where death might result:
 - 1. Upon arrival at the scene of a death, other than a death by natural causes, the investigating officers shall immediately notify the dispatcher who shall notify the Homicide Unit.
 - 2. The ranking officer from the Major Crimes Division present at the scene shall be in complete charge regardless of the rank of the officers present from other divisions or agencies.
 - 3. If there is any question regarding the notification, officers will contact the Homicide Unit for their decision to respond or not.
 - 4. Complete all required reports: General Occurrence Report, (offense title will be either known or unknown dead if a death occurs or Non Traffic Accident if serious injury occurs), and Sick and Injured Report, DPD 150.

- (5) Sudden Infant Death Syndrome (SIDS)
 - a. Upon notification/determination of an infant/child's death, officers will respond to the treating medical facility to interview the attending physician regarding the circumstances of death.
 1. If the child's death appears to be under suspicious circumstances or evidence of abuse, neglect, or mistreatment is apparent, the following procedures will apply:
 - a. Follow general investigation procedures as listed.
 - b. Call for necessary assistance, i.e. Coroner or Coroner Investigator, an investigator from the Homicide Unit and Crime Laboratory personnel.
 - c. Ensure the security of the scene for-processing in accordance with current investigative standards. Identify all potential witnesses (parents, siblings, childcare providers, medical personnel, and doctors). Ensure that each completes a written Statement, DPD 366.
 2. In all instances of a child's death, the following procedure will apply:
 - a. Complete a General Occurrence Report,, Sick and Injured Report, DPD 150, and any other reports pertinent to that particular investigation.
 - b. Officers will investigate calls relating to a child not breathing in the following manner:
 1. Officers will determine the location of the child and respond to the scene or, if transported, to the care facility. Officers will determine a prognosis from the treating physician/paramedic. Should an unfavorable prognosis for the child exist, notify the Homicide Unit immediately of the situation. The investigating officer shall also inform their supervisor. Officers will secure the transport vehicle, if other than an ambulance, as well as the original crime scene, until a Homicide Unit Supervisor makes a determination as to the level of their response.
- (6) Under normal conditions at the scene of a suspected natural death, paramedics or ambulance attendants will not remove victims pronounced dead from the scene without prior permission from the Coroner or Coroner's Investigator. However, conditions may exist where the body is in public view, which would make it necessary to expedite the removal. Under no circumstances will officers move or have moved the body of the victim of any crime or suspected crime of violence without first consulting the Coroner and a Homicide Unit Supervisor.
- (7) The commanding officer at the scene of a suspected natural death from the district or bureau responsible for the investigation shall have the authority to order such emergency removal of a body; when in their opinion, the health and safety of the public or an officer is in jeopardy.
 - a. The commanding officer shall immediately notify the Coroner's Officer of their action.
 - b. Officers must take adequate precautions to protect evidence at the scene, i.e., point of impact, position of victim, and/or other evidence. See OMS 301.01, Crime Scene Procedures.
 - c. If removal of the body occurs and when practical and possible, officers at the scene should draw an outline of the body's position with a crayon or chalk before removal.
 - d. Officers will consult the Coroner and the Homicide Unit Supervisor when requesting the removal of any victim not associated with a suspected natural death.
 - e. Officers must ensure that crime scenes and evidence are not contaminated. Such contamination includes, but is not limited to:
 1. Covering the body.
 2. Moving or altering a firearm.
 3. Changing the position of any piece of evidence.
 4. Restaging evidence previously removed.
- (8) In custody death investigations (Revised 11-2011)
 - a. Definitions: refer to OMS 301.13(1)a.
 - b. When a person in the custody of law enforcement in the City and County of Denver suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action, in addition to the personnel listed in OMS 301.13(1)b, the dispatcher will immediately follow Denver 911 procedures by notifying the following as required:

1. Ambulance.
 2. Sufficient patrol coverage.
 3. The on-duty Command Officer for the District of occurrence.
 4. The on-duty Homicide and/or General Assignment Detectives.
 5. The on-call Police Shoot Team.
 - a. Major Crimes Section Command Officer.
 - b. Homicide Unit Supervisor.
 - c. Primary and Secondary Homicide Investigators.
 6. The Crime Laboratory.
 7. The on-call District Attorney.
 8. The Commander of the Major Crimes Division.
 9. The Deputy Chief of Operations.
 10. The Commander of the Internal Affairs Bureau.
 11. The Public Information Officer.
 12. The Chief of Police.
 13. The Manager of Safety.
 14. The involved officer's Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer's family.
 15. The Coroner's Office, in any case where death occurs.
- c. In addition to the procedures outlined in OMS 301.13(1)d, the ranking officer at the scene will have these responsibilities:
1. When a death occurs, assign an officer to make a General Occurrence Report (GO), titled known or unknown dead, depending on the status of the victim's identity.
 2. Assign an officer to accompany the person to the hospital when transporting a victim. This officer shall note any statements made by the subject, take possession of clothing or other evidence, and protect personal property.
- d. In custody incident investigations shall follow the procedures outlined for officer-involved shootings, OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.
- e. Investigation of suicide and attempt suicide while in-custody.
1. Suicide or attempt suicide occurring in the officers' presence or while the law enforcement officer controls the incident follow procedures outlined in OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.
 2. Officers shall complete a General Occurrence Report (GO) as follows:
 - a. When the suicide is successful, title the report "Suicide".
 - b. When the suicide attempt is unsuccessful, title the report "Attempt Suicide".
 - c. OMS 301.14(3)a and b outlines the procedures for the investigation of suicide or attempted suicide..
- f. Investigation of death or critical injury occurring after deployment of Less Lethal devices or munitions.
1. OMS 105.03 (3) defines Less Lethal weapons
 2. When an officer deploys a Less Lethal device or munitions and a person suffers a potentially life-threatening injury or death results, the procedures outlined in 301.14 (8) shall apply.
- g. The officer involved in the critical incident may have an attorney present for legal assistance. Investigators will advise the involved officer in accordance with the applicable "Officer Advisement in Critical Incidents" form. The "Miranda Warning", Internal Affairs Bureau "Garriety Advisement," or ordered statements under City Charter C5.73-6, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
- h. Direct questions regarding any of these procedures to a Homicide Unit supervisor.

(9) Call-Out Procedures for the Coroner

- a. When an unattended death occurs within the City and County of Denver, the Coroner is required to respond in accordance with CRS §30-10-606.
 1. Officers will not call the Coroner or Coroner Investigator directly to the scene without an initial scene evaluation.
- b. Officers called to a death scene will notify the Coroner or Coroner Investigator through Denver 911.
- c. Upon contact, the Coroner Investigator will make a preliminary telephonic death investigation to determine jurisdiction.
 1. When there is no jurisdiction, the Coroner's Office will carry the case as "Inquiry – No Scene Response" and label the case complete.
 2. Detectives assigned the investigation will contact the Public Administrator to assess any family/human services needs.
- d. When Coroner jurisdiction exists, the Coroner will characterize the case as either a "waive" or a "Coroner case."
 1. A waive case may or may not require a scene response at the discretion of the Coroner or Coroner Investigator.
 2. A circumstance designated as a Coroner case will usually require a scene response by the Coroner or Coroner Investigator.
 3. The Coroner or Coroner Investigator will determine whether to respond to a scene.
- e. If specifically requested by law enforcement within the City and County of Denver, the Coroner Investigator will proceed to the scene

301.15 Notification of Major Crimes Division Personnel (Call-Out)

- (1) The Major Crimes Division is primarily staffed from 0700 to 1700 hours and from 1900 to 0300 hours daily. Specific investigative unit's start/end of shift hours vary based on staffing levels.
- (2) After normal working hours, a detective and supervisor from each unit are available on a call-out basis.
 - a. Requests to call out detectives will be made by the Patrol Division Sergeant through Denver 911. This procedure will ensure that the Patrol Sergeant is aware of serious incidents and will verify the necessity for the call-out.
 - b. It will be the responsibility of the Major Crimes Division personnel to notify the next level in their chain of command in unusual cases or if additional resources are required.
- (3) Whenever the death of a human being occurs as a result of a police action, the Commander of the Major Crimes Division will be notified. The only exception will be traffic-related deaths which are handled in accordance with OMS 203.03(2). This notification will be in addition to all other appropriate and necessary notifications.

301.16 Known Dead Offense Reports

All reports of a known dead or accidental death shall be made on a General Occurrence report.

301.17 Aggravated Assault Cases (REV. 03-2013)

- (1) Call for necessary assistance, i.e., an investigator from the appropriate investigative unit.
- (2) Due to the possibility that any serious aggravated assault may eventually become a homicide, the investigating officer and assigned detective will complete a thorough scene and follow-up investigation, which will include but not be limited to: obtain statements from all witnesses, collect all physical evidence, request forensic analysis of evidence. Coordination with Homicide Unit personnel is necessary when it is determined that the victim's condition is grave and a significant risk of death exists.

301.18 Assault/Disturbance Cases

- (1) If an officer determines that an assault, as defined by City Ordinance, has been committed, and the suspect's identity is positively established through information provided by the victim or witnesses, the officer proceed as outlined in OMS 104.07.

- (2) A General Occurrence report, will be completed only when the suspect is not known or cannot be identified.
- (3) Detectives investigating misdemeanor assault cases will have each case reviewed by a District Attorney prior to filing charges as defined in OMS 302.02.

301.19 Deleted

301.20 Deleted

301.21 Accidental Shootings & Discharge of Weapon (REV. 03-2013)

- (1) All accidental shootings or discharge of a weapon shall be reported on a General Occurrence report.
- (2) If the discharge of a weapon involves a citizen, an officer will conduct the preliminary investigation to assess whether any criminal violation transpired or if the weapon discharge was accidental/non-criminal.
- (3) If the discharge of a weapon involves an officer, the Homicide Unit will be immediately notified in order to coordinate the follow-up investigation.

301.22 Robbery Reports

- (1) General Occurrence Reports
 - a. The victim of a robbery is any person from whom anything of value is taken.
 - b. The store or business name of the robbery shall be entered as a related entity.
 - c. Should more than one person be victimized during the commission of a robbery; this constitutes a single criminal episode. Officers taking the General Occurrence report for such cases shall make only one report and include the names of all victims and witnesses.
 - d. General Occurrence reports in the following circumstances shall be promptly approved by the reporting officer's supervisor for timely routing by the Records Bureau:
 - 1. All business robberies.
 - 2. Robberies in which the victim receives serious bodily injury as a result of the robbery, or shots are fired.
 - 3. Robberies in which a suspect has been arrested.
 - 4. Robberies in which any person has been ordered-in.
 - 5. All robberies where the loss is in excess of \$15,000.
 - 6. Any robbery which is likely to become newsworthy.
 - e. The amount of loss shall not be listed on the General Occurrence report for any business robbery or robbery where the loss exceeds \$500.00. The loss in these instances will be detailed in the officer's statement.
- (2) Victims/Witnesses
 - a. Victims of a robbery who are transient or cannot provide a legitimate home address shall be ordered-in to the appropriate District Investigative Unit for the following morning at 9:00 a.m.
 - b. When a victim or witness is visiting locally and lives outside the Denver Metro Area or out of state, the reporting officer shall determine if there is a local address and/or phone number where they can be contacted. Should a local number be unavailable, officers shall obtain all contact information from the victim or witness for later contact by the detective.
 - c. Addresses and phone numbers of victims and witnesses are required on all General Occurrence. This information is confidential and not available to the public or the media.
 - d. Written statements from all victims and witnesses are required. If a statement is written, by the officer, for the victim or witness, it should be written verbatim, as told by the victim or witness. Answers to questions should also be written verbatim.

(3) Scene Investigation

- a. Officers shall make every effort to determine if there are any witnesses (on scene and through neighborhood survey), to the robbery event. Witnesses shall be interviewed and written statements obtained. Officers shall make every effort to obtain identifying information from witnesses who are unwilling to complete statements or submit to interview. Information related to witnesses will be sent with the investigative package to the investigating detective for later follow-up.
- b. Officers shall attempt to locate any evidence that may be linked to a suspect at the scene or along the suspect's reported path while fleeing from the scene..
- c. Should video surveillance cameras exist that may have recorded the robbery and there is a means to view the video tape at the scene, officers shall first remove the recording tab from the video tape before attempting to view the tape. The tape may then be viewed to determine the suspect description and if the suspect may have touched any printable surfaces. The recovering officer shall note any discrepancies between the video tape date and time and the actual time. The video tape will then be placed into the Property Bureau as evidence.

(4) Impounded/Recovered Vehicles

- a. A robbery hold will not be placed on any vehicle unless the hold is in relation to a specific robbery case.
- b. When a vehicle is impounded with a hold for robbery, a written statement detailing the circumstances of the robbery and the reasons for the hold shall be forwarded to the appropriate investigative unit. All documents prepared as a result of the hold will contain the case number of the related investigation.
- c. When a vehicle is impounded for any other reason and officers suspect that the vehicle may have been involved in a robbery (i.e.: a gun, mask, cash, etc., are found in the vehicle) a statement detailing these suspicions shall be completed and forwarded to the appropriate investigative unit. No hold for robbery shall be placed on vehicles matching this criterion without the permission of an investigative supervisor.
- d. If an unoccupied vehicle, wanted in connection with a robbery, is recovered, officers shall conduct a neighborhood survey to determine if there are witnesses who may have seen the person(s) who parked or abandoned the vehicle. This information shall be forwarded to the appropriate investigative unit in the form of a statement.

(5) Arrests

- a. When a suspect is stopped, based on a clothing description given by a victim or witness, and is subsequently arrested, the suspect's clothing must be taken and placed in the Property Bureau as evidence. If practical, photographs of the suspect should be taken prior to taking the clothing. Cameras can be obtained from District Supervisors for this purpose, or if unavailable, the Crime Lab can be requested for photographs.
- b. In addition to (5) a., when a suspect is arrested away from the scene, their clothing description, at the time of arrest, should be detailed in the officer's statement. The clothing description provided by the victim and/or witnesses at the time of the robbery will be listed on the General Occurrence report.]
- c. When a show-up is conducted on the street, the victim and/or witnesses must be brought to the suspect's location. All witnesses should view the suspect separately and their comments listed in the officer's statement. Regardless of whether a suspect identification is made or not made, the fact that a show-up was conducted must be documented. The process will be documented within the involved officer's statement and shall include the name of the subject(s) presented in the show-up identification and the names of the victim(s) and witness(es) who viewed the show-up identification process.
- d. When there are multiple suspects and/or witnesses, officers must carefully interview the witnesses after the show-up in order to accurately describe which witnesses identified which suspects, and what the individual suspects' roles in the robbery were. This process will be documented as described in 301.22 (5)c.

(6) Contacting Investigative Support Personnel

- a. A supervisor assigned to the appropriate investigative unit shall be contacted, regardless of time of day, for any of the following circumstances:]
 - 1. Any bank robbery - Contact Safe Streets Task Force supervisor.
 - 2. Any traveling jewelry courier robbery - contact Safe Streets Task Force supervisor.

3. Any robbery that appears to be part of an on-going pattern.
 4. Any arrest where the suspect is believed to be involved in an on-going pattern investigation.
 5. Any robbery involving serious bodily injury to the victim.
 6. Any robbery where shots are fired, whether or not injury occurs.
 7. Any robbery involving a dollar loss in excess of \$15,000.
 8. Any "take down" or "take over" robbery (i.e., bar or club patrons are ordered to the floor and systematically robbed) - Contact Robbery Unit supervisor.
 9. Any home invasion robbery - Contact Robbery Unit supervisor.
 10. Any robbery/kidnapping.
 11. Any time that an officer feels that contacting a robbery detective is necessary.
- b. Officers having questions regarding the procedures to follow regarding a Robbery Investigation should contact the Robbery Unit supervisor or detective.

301.23 Sexual Assaults (REV. 03-2013)

(1) Introduction / Protocol

The Denver Police Department recognizes that law enforcement is often the first agency contacted by a sexual assault victim. The response of the patrol officer, among others, will influence the victim's cooperation in the entire investigation/adjudication process. A positive experience with the police response can impact the victim's recovery. The Denver Police Department is committed to setting a positive tone by which a victim will be supported through the investigative process. To facilitate this commitment, the Denver Police Department is a contributing member of the Sexual Assault Interagency Council, and adheres to the procedures outlined in the Denver Sexual Assault Response Protocol, as signed into effect in April of 2011. The comprehensive protocol can be accessed through Denver Sexual Assault Interagency Council's web site <http://www.denversaic.org/resources/written-resources/>

(2) Initial Response

- a. Determine the need for medical care and level of response. See OMS 102.09.
- b. If a suspect is at the scene and if probable cause exists, make an arrest and process as in OMS 104.04. If sufficient probable cause is lacking, order the suspect in to see a sex crimes detective. See OMS 301.23(5).
- c. If the suspect is gone, a description will be obtained and aired.
- d. Assess the situation and determine if a sexual assault detective needs to respond. The Sex Crimes Unit Supervisor or on-call detective is available through Denver 911 dispatchers twenty-four (24) hours a day. The Sex Crimes Unit supervisor will determine the need for response. Sex Crime Unit personnel will be called in the following situations:
 1. All burglary/sexual assaults.
 2. Stranger-to-stranger, sexually-motivated child abductions. If the victim is still missing, the Missing and Exploited Persons Unit supervisor should be contacted immediately through the Denver 911 dispatcher.
 3. Investigations which require search warrants. Officers are reminded that any sexual assault which occurs at a place where the offender may have proprietary interests will require a search warrant.
 4. Any case where the officer or supervisor needs advice or assistance, such as authorization for suspect strip search/ swabbing of potential evidence on suspect's person.
- e. If there is a crime scene, call for the Crime Lab to respond. The crime scene will be preserved until the arrival of the Crime Lab. If a Sex Crimes Unit detective is responding, the detective will make notifications to the Crime Lab. The Crime Lab must be notified in ALL cases of burglary/sex assaults.
- f. Officers shall collect items of evidentiary value and cause such to be booked into the Property Bureau for analysis by the Crime Lab. Items of evidence include, but are not limited to clothing, bed linen, ligature, etc.

1. Any of the victim's clothing that may contain evidence (i.e. bodily fluids, hair, fibers, etc.) will be placed in separate paper evidence bags to avoid cross-contamination. These articles of clothing shall be booked into the Property Bureau as evidence.
2. The officer will recover any bed sheets or other articles which may contain biological and/or trace evidence consistent with the reported sexual assault. These articles should be placed in separate paper evidence bags to avoid cross-contamination of potential evidence.

(3) Sex Assault exam

- a. Determine how recent the sexual assault was and therefore, the need for a sexual assault examination. Although some evidence such as semen may only remain for up to 72 hours, a doctor may be able to document trauma corroborating the victim's statements. If in doubt, or if the time frame is close, have the examination done. In cases where penetration was not made, semen and other bodily fluids may still be present. The victim should be taken to DHMC for medical examination and recovery of this evidence (i.e. swabs of the victim's mouth or body that may reveal traces of semen or saliva).
- b. The officer will explain the evidentiary value of the sexual assault exam and support the victim to complete the exam.
- c. The officer will advise the victim to take a change of clothes to the hospital. If this is not possible, the hospital has a limited supply of clothes they will give the victim.
- d. The officer will transport or have the victim transported to DHMC. If the victim presents at a hospital which does NOT have a Sex Assault Nurse Examiner (SANE) Program, the officer will coordinate with the medical staff, victim transportation to a hospital that does have a SANE Program.
- e. The officer will advise the victim that he/she will incur no costs for the sexual assault examination. Sexual assault examinations require informed consent on the part of the victim. Medical personnel will not complete a sexual assault examination on victims who are unconscious or otherwise incapacitated (i.e. intoxicated or under the influence of a controlled substance). However, officers may still complete a General Occurrence Report based on either the victim's initial outcry and/or witness accounts of a sexual assault. Under this type of scenario (i.e. reported drug facilitated sexual assault), the responding officer will sign the Laboratory Report for Sexual Assault, DPD 383, authorizing application of the sexual assault exam once the victim is in a responsive condition.
- f. Upon arrival at the hospital, the officer will notify the Emergency Department clerk that the victim is ready for the exam, sign the Laboratory Report for Sexual Assault, DPD 383, and turn the victim over to hospital personnel.
- g. Upon completion of the exam, the hospital may contact Denver 911 and request that an officer provide transportation home for the victim. Officers providing this service will check the victim's residence to ensure their safety.

(4) General Occurrence Report and related paperwork

- a. Whenever possible, General Occurrence reports, should be taken before the victim is transported to the hospital. In situations requiring that the report be made at the hospital (i.e. victim transported from scene for medical reasons or victim is reporting to the police from the hospital), the officer should conduct the interview in a private room.
- b. Officers completing the General Occurrence report will include enough elemental information in the narrative for Records Bureau personnel to know what type of sexual assault is being reported. This information is necessary to assist them in placing the correct Versaterm code on the report. Such information will include the relationship between the suspect and the victim if known, and the specific type of sexual assault. Officers shall complete a statement for inclusion in the case, detailing their preliminary investigative actions and observations.
- c. Officers will obtain a written statement from the victim and all witnesses.
- d. The victim's injuries and the full name of the examining physician will be included in the General Occurrence report.
- e. Prior to approving the General Occurrence report, supervisors will ensure that the Crime Lab and Sex Crimes Unit have been notified in all appropriate cases.

- (5) Request to Appear, DPD Form 75
 - a. The Request to Appear, commonly referred to as "Order-Ins", will be issued to the victim of a sexual assault to facilitate an interview with the assigned detective. The appointment time for the victim shall be made for 9:00 a.m. If the suspect is in custody, any related Request to Appear shall be made for the following day. If the suspect is not in custody, all order-ins should be for the next business day, excluding Sundays.
 - b. Sexual assault suspects who are not arrested, shall be issued a Request to Appear for 1:00 p.m.
- (6) Officers responding to sexual assault calls need to be aware that sexual assault victims experience a host of fears and anxieties as a result of being victimized and those concerns must be addressed by the patrol officer. Reassuring the victim of his/her immediate safety and clearly explaining reporting procedures and initial investigative steps will assist in alleviating these fears.
 - a. Officers will offer the services of the Victim's Assistance Unit unless directed otherwise by a Detective from the Sexual Assault Unit.
 - b. When the initial patrol response is to the hospital, officers will conduct victim and witness interviews in a private area
- (7) Detectives assigned the investigation of a sexual assault will make themselves familiar with the Sexual Assault Response Protocol and will adhere to the following:
 - a. Victims will be contacted immediately, upon assignment of the case, and will be periodically updated on the status of their cases. At the conclusion of the investigation, the assigned detective will inform the victim of the outcome. Contacts and attempted contacts of the victim should be well documented by the investigator in the Supplementary Report.
 - b. Investigations will be conducted in a timely manner. The Sex Crimes Sergeant will be kept up to date on any investigation requiring an extended period of time.
- (8) Kidnappings and attempt kidnappings involving victims who are **under the age of 18**, shall be assigned to the Sex Crimes Unit, for investigation.
 - a. Any Report of kidnapping or attempt kidnapping of a minor child, where the victim has been found, will be immediately reported to the Sex Crimes Unit and a General Occurrence report will be completed. During non-business hours, the on-call sergeant from the Sex Crimes Unit will be notified through Denver 911 call-out procedures.
 - b. See OMS 301.23(2)d, for Stranger to Stranger sexually motivated child abductions.
 - c. In cases where the juvenile victim is still missing and there is any indication the victim was taken against their will, the Missing and Exploited Persons Unit supervisor shall be contacted immediately through the Denver 911 dispatcher.
 - d. C.R.S. §18-3-305(1) defines enticement of a child:

"A person commits the crime of enticement of a child if he or she invites or persuades, or attempts to invite or persuade, a **child under the age of fifteen years** to enter any vehicle, building, room, or secluded place with the intent to commit sexual assault or unlawful sexual contact upon said child. It is not necessary to a prosecution for attempt under this subsection (1) that the child have perceived the defendant's act of enticement."

Officers responding to the scene of a reported child enticement, or suspected child enticement, shall immediately contact the Sex Crimes Unit or if after hours, the on-call Sex Crimes Supervisor. Sex Crimes Unit personnel will evaluate the incident and determine the requirement of an investigative response to the scene. Officers shall maintain any crime scene in accordance with OMS 301.01.
- (9) Peace Officer Impersonation Investigations (Revised 05-2011)
 - a. OMS 303.14 (4) explains the procedures regarding Criminal Impersonation cases. With respect to Peace Officer Impersonation Investigations, officers shall route all General Occurrence Reports related to C.R.S. §18-8-112 – Impersonating a Peace Officer - to the Sex Crimes Unit.
 - b. The supervisors of the Sex Crimes Unit shall evaluate the information and direct the reports or letters to the proper investigative unit as necessary.

(10) Unreported Sexual Assaults – Kit Collection and Storage

- a. In accordance to C.R.S. §18-3-407.5, amended in 2008 by House Bill 1217, law enforcement agencies are required to collect and store sexual assault examination kits when a victim does not wish to participate in the criminal justice system or otherwise cooperate with law enforcement. However, officers of the Denver Police Department will complete a General Occurrence Report in compliance to C.R.S. § 12-36-135; medical licensees are required to report any injury that they believe resulted from a criminal act, immediately to the police of the city, town, or city and county or the sheriff of the county in which the licensee is located.
- b. The responding officer will meet with the victim to confirm she/he wishes to consent to a sexual assault exam, but does not want to participate in any follow-up criminal investigation at this time.
- c. The responding officer will collect identifying information on the victim and general case details (i.e. location of offense, date, time and account of events). This information will be included as part of the General Occurrence Report, which will be coded/titled as Unreported Sexual Assault.
- d. The only evidence collected in an Unreported Sexual Assault situation is the sexual assault exam. The responding officer will NOT seize the victim's clothing or other articles as evidence in this scenario.
- e. The responding officer will advise the victim that their sexual assault exam will be stored at the Denver Police Property Bureau for two years. The victim will NOT be issued a Request to Appear to speak with a Sex Crimes investigator.

301.24 Counterfeit and Altered U. S. Currency (REV. 03-2013)

(1) Officers receiving calls concerning altered currency shall observe these procedures:

- a. Do NOT make a Denver Police Department General Occurrence report. These violations are typically within the jurisdiction of the U. S. Secret Service and will be investigated by agents assigned to this Federal agency.
- b. If there is a definite investigative lead present, request contact from a Secret Service agent through the Denver 911 dispatcher.
- c. If there is no investigative lead present:
 1. Confiscate the counterfeit or altered currency. See OMS 301.01 (9). The officers may give the complainant a receipt for the item(s) confiscated.
 2. Write a statement describing the circumstances of the incident. Be certain to include all relevant information.
 3. Seal the suspected counterfeit currency and completed statement in an envelope and address it to: U.S. Secret Service, 5619 DTC Pkwy, Suite 400, Greenwood Village, CO 80111.
 4. Place the sealed, addressed envelope in the inter-department mail for postage.

(2) Officers contacting suspects:

- a. If the suspect has two or more counterfeit or altered bills, notify the Secret Service immediately to determine investigative and level of response requirements.
 1. If the Secret Service determines the elements of offense do not meet a federal violation, the Denver Police Fraud Unit should be contacted and advised of the circumstances. If appropriate, suspects shall be charged at the state level (i.e. Forgery or Possession of a Forged Instrument) and processed according to OMS 303.05.
 2. Forged currency shall be placed in the Fraud Unit's locked evidence box only if criminal charges are pending and only if the Secret Service has been notified.
- b. If the suspect has only a single counterfeit or altered bill, confiscate the bill, complete a Street Check, and forward all to the Secret Service as outlined in OMS 301.24(1)c.

(3) The Secret Service telephone number, 303-850-2700, is answered by an agent twenty-four (24) hours a day. Officers are encouraged to call this office for any assistance or information they may require regarding suspicious bills and similar situations. The Secret Service has jurisdiction over violations involving the counterfeiting of United States obligations and securities. Some of the counterfeited United States obligations and securities commonly investigated by the Secret Service include U.S. currency (to include coins), U.S. Treasury checks, Department of Agriculture food coupons and U.S. postage stamps.

301.25 Investigative Hypnosis

- (1) No member of the Denver Police Department will use hypnosis on a subject in their official capacity until receiving written approval from the Major Crimes Division Commander.
- (2) Hypnosis will only be performed in relation to an official case which is brought to the attention of the Denver Police Department.

301.26 Deleted**301.27 Notification of Burglary/Theft Detectives on Unusual Cases**

- (1) During non-business hours, investigative supervisors or detectives assigned Burglary and Theft cases, are available for advice and assistance.
 - a. When needed, they can be contacted at the request of a supervisor through the Denver 911 dispatcher.
 - b. The investigative supervisor or detective contacted will be responsible for determining the appropriate response to the situation.

301.28 Deleted**301.29 Naming of Denver Police Officers as Suspects in Criminal Cases**

- (1) Officers will not complete a General Occurrence report naming police officers as suspects, but instead shall notify their immediate supervisor for referral/notification to the Internal Affairs Bureau (IAB).
- (2) IAB personnel shall conduct an investigation and determine if a General Occurrence report is warranted.
- (3) If cases of a serious nature arise at times other than during regular office hours (8:00 a.m. through 4:00 p.m.), and a delay is impractical, a supervisor assigned to IAB will be contacted by the investigating officer's supervisor.

301.30 Intimidating or Bribing a Witness or Victim and/or Tampering with a Witness or Victim

- (1) Officers will complete a General Occurrence report and obtain written statements from involved parties. The General Occurrence report will be titled "Intimidating a Witness" with the original crime information outlined in the reporting officer's statement.
- (2) The case will be investigated by the investigative unit that filed the original criminal case, with the following exceptions that will be investigated by personnel assigned to either the Major Crimes or Investigative Support Divisions:
 - a. Where the victim or witness is a Peace Officer, Correctional Officer, Elected Public Official, Judicial Officer, or Juror.
 - b. Where the victim or witness suffers serious bodily injury in association with victim or witness intimidation.
 - c. When the original charges were filed by another jurisdiction or were a Denver Revised Municipal Code (DRMC) violation.
 - d. Any intimidation of a victim or witness involving a Domestic Violence incident. These cases will be handled by the Domestic Violence Investigations Unit.

301.31 Case Closure Designations

- (1) When an investigator completes an investigation, there are several ways that the case may be closed. Each closure must be thoroughly documented and supported by the information contained within the supplemental report. There are five concluding denotations a case investigation may receive;
 - a. Cleared by Arrest
 - b. Exceptionally Cleared
 - c. Warrant Issued
 - d. Unfounded
 - e. Inactive-Not Cleared

- f. With the exception of the designation Inactive-Not Cleared, all other designations will be considered clearances for statistical purposes.
- (2) **Cleared by Arrest:** The Denver Police Department will report that an offense is cleared by arrest, or solved for crime reporting purposes, when at least one person is:
- a. Arrested and
 - b. Charged with the commission of the offense and
 - c. Turned over to the Court for prosecution.
 - d. Each of the above listed conditions must be met for the case to qualify as Cleared by Arrest. It is further noted that a case may have a single or multiple arrests. Irrespective, to the number of arrests, the case only counts as one clearance.
- (3) **Exceptionally Cleared:** Cases may be cleared using exceptional means due to the existence of circumstances that prevent the Denver Police Department from arresting and formally charging an offender. To clear a case exceptionally, the following criterion must be met;
- a. The offender has been identified; and
 - b. Sufficient evidence exists to support and arrest, determine a charge, and prosecute the case in court; and
 - c. The offender's current location is known so that an arrest could be effected immediately if necessary; and
 - d. Circumstances beyond the control of the Denver Police Department exists which prohibits the arresting, charging and prosecution of the offender.
 - e. Circumstances existing in an exceptional clearance case include, but are not limited to;
 - 1 Death of the offender. When an offender is killed or dies after the issuance of a warrant, or sufficient probable cause exists to affect an arrest.
 - 2 Prosecution declined. For reasons other than lack of probable cause.
 - 3 Extradition denied. Offender will not be extradited because of financial considerations, or other agency declines the extradition.
 - 4 Victim refuses cooperation. Declines to testify or pursue charging of the offender.
 - 5 Juvenile offender-No custody. Handled by means other than charging the juvenile offender.
 - 6 Excepted by justifiable means in the law. Justifiable homicide, affirmative defenses.
- (4) **Warrant Issued:** This designation is given to cases where a suspect has been identified and probable cause exists to arrest the offender. Under Uniform Crime Reporting standards (UCR) this is an Inactive case. There are three arrest warrant classifications;
- a. Probable Cause Warrant
 - 1 This warrant is issued by a County Court Judge based on an Affidavit provided by a law enforcement officer supporting the elements of a crime and showing probable cause supporting that the named offender is responsible.
 - b. At Large Warrant
 - 1. This warrant is issued by a County Court Judge based on an Affidavit provided by a law enforcement officer supporting the elements of the crime. Additionally, the District Attorney has filed charges against the named offender supporting their ability to convict the offender of the named charges beyond a reasonable doubt.
 - c. City Charges
 - 1. Denver city ordinance violations can be cleared with the warrant issued designation when a General Sessions Summons and Complaint (GSS&C) warrant is issued.
- (5) **Unfounded:** At the conclusion of a thoroughly examined investigation, a determination is made after considering all of the known facts and evidence and these facts can be reasonably articulated that no crime has occurred, the case will be closed as unfounded as to a crime. This will include crimes that that have been shown to exist, however, venue cannot be established and will therefore be unfounded as to a crime in the City and County of Denver.

- (6) **Inactive-Not Cleared:** When all known and possible investigative leads have been evaluated, analyzed, and exhausted and no further investigation can continue without new or additional information, the case will be inactivated. Cases closed with an inactive designation will be so carried until new information is identified or developed or the statute of limitations for the offense expires.

301.32 Use of Outside Consultants (Revised 05-2011)

- (1) During the course of an investigation there may be a need to consult an expert outside the Denver Police Department concerning the evaluation or analysis of evidence. All personnel shall adhere to this procedure when utilizing an outside consultant for this purpose.
- (2) Prior to using an outside consultant as a resource in any investigation, personnel will determine whether the expertise being sought is available within the Denver Police Department.
 - a. In any matter involving the physical analysis of evidence, the Director of the Crime Laboratory Bureau shall be consulted as to the availability of the service within that bureau.
 - b. If the Director determines that the Crime Laboratory Bureau cannot perform the analysis in question, the Director shall be consulted as to which outside source shall be utilized.
- (3) After verifying the need for an outside consultant, the member wishing to use the service shall forward the request in writing through the chain of command to the Deputy Chief of Operations.
 - a. The request shall include a detailed explanation of the need for the service, documentation that the service is not available within the Denver Police Department, and a detailed cost of estimate for the service.
 - b. No expenses for an outside consultant will be incurred without the written approval of the Deputy Chief of Operations.
- (4) In a situation where human life is in imminent danger, such as a hostage incident or kidnapping, the bureau commander responsible for the investigation may utilize an outside consultant if circumstances dictate such action to avoid a death or injury.
- (5) No member of the Denver Police Department will incur expenses for outside consultants after a case has been accepted for criminal filing by the Denver District Attorney's office without the written approval of the Deputy Chief of Operations.

301.33 Post Combined DNA Index System (CODIS) Match Investigative Procedures (Added 03-2013)

- (1) CODIS match investigations are typically re-active in nature and driven by scientific results obtained from the Denver Police Department Crime Laboratory. A CODIS match produces an investigative lead regarding possible connections or involvement of a biologically identified offender. Similar to other types of evidence, the probative value of the CODIS match must be carefully evaluated as to its significance to the case.
- (2) The below procedure shall be followed when a CODIS match notification is generated in order to ensure the investigative lead produced by the CODIS hit is being assessed and followed-up on in a timely manner, and the identified DNA source is being thoroughly evaluated, and when necessary, the identified offender actively pursued.
- (3) When a CODIS match occurs, the Denver Police Department Crime Laboratory will generate a notification on the Denver Police Department Crime Laboratory Bureau CODIS Match Laboratory Report.
- (4) This notification shall be emailed to:
 - a. Assigned detective
 - b. Assigned detectives immediate supervisor
 - c. Bureau or unit commander
 - d. Affected Division Commander
 - e. Director of the Crime Laboratory
- (5) Upon receipt of a Denver Police Department Crime Laboratory Bureau CODIS Match Laboratory Report, the unit supervisor shall insure the assigned detective, or in the absence of the assigned detective, the supervisor's designee, reviews the identified case and the CODIS Match Laboratory Report.

- (6) In this review, the facts of the case will be assessed to determine:
- Does the biologically identified source match or closely match the physical description of the suspected offender in the case (A full criminal history of the biologically identified offender will be compiled to assist in the determination of this)
 - Is the CODIS match that of a consensual partner, friend, family member, or non-involved entity (This information may not be known at the time of the case review and is usually determined after the victim is re-contacted and interviewed)
 - What is the identified offender's custody status (Incarcerated, on probation, on parole, out of custody)
- (7) A written summary of the investigating detective's review shall be submitted through their chain of command to their commander within **24 hours**. The summary will contain the following:
- Case overview
 - Significance of DNA association to offense (i.e. intimate vs. non-intimate source)
 - Victim's availability and cooperation level
 - Offender custody status and criminal history
 - Case status (i.e. warrant already exists for identified biological source, PC warrant issued, No PC, Case already adjudicated, further investigation needed)
- (8) When it is determined the identified biologically source matches the physical description in the case and the identified biologically source **is not** incarcerated, the investigating detective shall determine if any outstanding warrants exist for the source.
- If a separate warrant does exist, the investigating detective's supervisor shall immediately contact the Denver Police Department Fugitive Unit to initiate a search and arrest plan for the identified offender.
 - If a separate warrant does not exist and there is probable cause to arrest as a result of the CODIS match, an arrest warrant shall be completed. The investigating detective's supervisor shall contact the Denver Police Department Fugitive Unit and advise them a warrant is being drafted and request them to initiate a search and arrest plan for the identified offender.
 - If probable cause does not exist at the time of the CODIS match, additional steps will be taken by the investigative detective which may include:
 - Contacting and interviewing the victim or witnesses
 - Review completed audio and video taped interviews
 - Revisit crime scene and document as necessary
 - Contact originally assigned detective
 - Submit additional lab requests for further analysis of evidence
 - Obtain medical release from victim
 - Victimology to determine any association to the identified offender
 - Complete Court Order to collect confirmation DNA sample from offender
- (9) If the CODIS match is determined to be from a consensual partner or a non-involved entity (i.e. in custody at the time of offense), the CODIS administrator shall be notified in order to remove the case specific profile in accordance with federal guidelines.
- (10) A CODIS match is an investigative lead and does not alone constitute probable cause, eliminate a suspect or determine if an arrest will be made. The assigned investigator must evaluate the totality of the evidence when conducting a post CODIS match investigation and when determining whether the CODIS match necessitates the issuance of an arrest warrant.

302.00 - FILINGS AND REPORTS**302.01 Case Filing****(1) Case Preparation**

- a. Case preparation begins with the initial investigation. The arrest of a criminal is only the first step in criminal justice. The case must be painstakingly prepared, evidence gathered, witnesses contacted, statements taken and all possible facts carefully recorded in preparation for the trial.
- b. A member of the Department assigned to the investigation of a criminal case shall enter in his Supplementary Report in an orderly and legible manner all information relative to the case which they are able to ascertain.
- c. Many detectives may work on a single case, especially if it is complex in nature. For accountability, a primary detective shall be assigned and held responsible for the final work product and the case presentation to the District Attorney's office for review and filing.
- d. Officers shall collect, properly identify and preserve all real evidence which may be material to the case. Where such evidence is of considerable value, photographs shall be taken, detailed drawings made, fingerprint evidence obtained and such chemical or other scientific analysis or examination, as may be required, shall be made.
- e. Officers shall contact and take statements from all witnesses and shall interrogate the suspect for the purpose of obtaining a confession or admission. In taking a statement from the suspect, leading questions shall be avoided. Officers shall not resort to inducements, promises, threats, or duress to obtain a confession or an admission. See OMS 302.10 & 302.11. The Advisement Form, DPD 369, shall be used prior to talking to suspects.
- f. An officer shall not depend upon a confession or admission made by a suspect to the extent of becoming lax in the preparation of their case. They should anticipate a denial by the defendant or the possibility that the admission or confession may not be admissible in evidence and should spare no effort in investigating the slightest circumstance for the purpose of having their case complete.
- g. A member of the Department, having filed a case in the Criminal Division of District Court, shall furnish the District Attorney a written digest of the case, listing each witness, their name and address, and setting forth the testimony that each witness may be expected to present. It is important that the list of witnesses be complete so that they may all be endorsed at the same time, so as to obviate the necessity of endorsing additional witnesses at a later date.
- h. Members shall appear in court on the date set for trial with their cases properly prepared, and all evidence ready for presentation. They shall promptly respond when called upon to present evidence. See OMS 103.01.
- i. An officer, when called upon to testify, shall speak in calm, clear, distinct, and audible tone and give a strictly accurate, impartial, and complete account of the circumstances pertaining to the case before the court. See OMS 103.05.
- j. An officer shall answer the defendant or their attorney with the same readiness and civility as when giving evidence in support of their case and shall tell the truth at all times whether it be against or in favor of the defendant.
- k. When mentioning the prisoner being tried in court, the officer shall refer to the prisoner as the defendant.
- l. An officer shall study their original notes and the records and reports in the case before appearing in court in order to refresh their memory as to all the circumstances of the case. However, they may, if necessary, refer to their original notes in court.

- m. Members of the Denver Police Department must provide everything associated with the investigation, the investigative casebook, the ancillary casebook, and all other items related to the investigation and held as evidence, to the District Attorney to meet the requirements of Rule 16 of the Colorado Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83 (1963). Members of the Denver police Department shall disclose all information and items related to a particular investigation, irrespective of the nature of the information or item, to the District Attorney with respect to the filed case.

(2) Rule - Advisement of Rights and Filing of Complaints or Information in Felony Cases:

- a. When a person is arrested for investigation of a felony offense or pursuant to a felony warrant, they shall be brought before the appropriate County Judge at the next scheduled first advisement session of the County Court which immediately follows the defendant's arrest.
- b. All persons arrested on Saturday after the last County Court advisement session or on Sunday shall be brought before the appropriate County Judge at the next regular scheduled session of the County Court.
- c. If a complaint has not been filed against the defendant at the time of the first advisement, a complaint or information shall be filed within three (3) regular working days after the defendant's arrest, if the defendant has not been released on bond. In computing said three (3) day period, the date of arrest shall not be considered a working day. If the defendant is released on bond, the complaint or information shall be filed within ten (10) days from the date of posting said bond. Such time may be extended for an additional reasonable time upon good cause shown by the District Attorney.
- d. If the complaint or information has not been filed within three (3) days of defendant's arrest and the defendant has not been released on bond, they shall be released from custody or released on a personal recognizance bond. If the defendant has been released on bond and the complaint or information has not been filed within ten (10) days from posting said bond, the defendant shall be discharged from further orders of the Court and said bond shall be ordered released.

(3) Filing criminal actions by investigating detectives.

- a. Outline the case completely including all circumstances, principals, M.O., etc. A photocopy of the Offense/Incident Report, suspect(s) records, and case summary shall be included.
- b. List all substantiating evidence, displays, exhibits, etc., which may be pertinent to the case.
- c. List of witnesses
 - 1. List all witnesses, their names, complete addresses, place of employment, and telephone numbers, being careful to include all witnesses who can testify to facts, identify evidence or confirm the chain of custody of such evidence. State what each witness can present in court testimony. Refer to OMS 109.01(2)b,3.
 - 2. When preparing witness lists that include police officers, filing detectives will list the witness officer's rank, full name and five (5) digit serial number.
Example: Det. John M. Smith 72015
initials, incomplete, or hyphenated serial numbers are not acceptable.
- d. Every document pertaining to an offense report, regardless of size and shape, shall have the case number clearly visible for filming and indexing purposes.
- e. Present all the facts, evidence, and all pertinent information available to the Complaint Deputy of the District Attorney's office for evaluation. Prepare a Case Filing Information Form on each case submitted to the Complaint Deputy for the signature of the deputy, indicating a date and time of acceptance of the case. If the case is refused, the date and time should be noted as well as the reason for refusal.
- f. Notify the District Attorney in writing of any additional evidence and the witness who can establish its relevance to the case.
- g. In all cases where evidence or property is not returned to the Property Section, the disposition of such case shall be given to the Property Section in writing. (Such notification may be entered by the officer upon the Property Withdrawal Slip.)

- h. When it becomes apparent that property being held as evidence will not be needed in the prosecution of a criminal case, the assigned investigator will contact the Property Section to arrange for the release of the property. See OMS 106.06.
- (4) Cases dismissed as a result of alleged police mishandling.
 - a. The District Attorney will forward to the officer's Deputy Chief any case where prosecution is declined or dismissed due to alleged police mishandling.
 - b. These cases will then be forwarded through the chain of command to the officer's supervisor, who will review the case with the officer to prevent a recurrence in future similar situations.

302.02 Misdemeanor Case Filing Using the Criminal Summons and Complaint

It is incumbent upon the detective assigned a case investigation to initiate the process by which prisoners involved in the matter and held in the Detention Center are properly advised of their rights and/or made eligible for bond at the next scheduled court session following their arrest.

- (1) Upon completion of the case investigation, the detective may charge the prisoner with a misdemeanor violation of the State Statutes. The case filing can follow the simplified procedures using the Criminal Summons and Complaint. If the prisoner is still in custody and all necessary documents have been completed, the detective will appear at the Detention Center prepared to:
 - a. Serve the defendant with the appropriate copy of the Criminal Summons and Complaint.
 - b. Deliver to the Deputy Sheriff on duty the Jail Copy of the CS&C and a Change of Charge, DPD 43, for the defendant.
 - c. Place in the designated repository in the Detention Center an envelope, addressed to Room 111, City and County Building, containing those documents necessary to complete the misdemeanor filing. These documents will be securely attached to the remaining copies of the CS&C.
- (2) In those instances when the detective anticipates a delay in completing the investigation and subsequent misdemeanor filing, the Misdemeanor Processing Form, DPD 314, shall be completed and HAND CARRIED to the Detention Center at the earliest possible time after case assignment so that the prisoner may be advised of his rights and made eligible for bond without any unnecessary delay.
 - a. If the defendant remains in custody when the detective has completed both the investigation and case filing, the procedures outlined in OMS 302.02(1) shall apply.
 - b. If the defendant has been released from custody on a bond when the detective has completed the investigation and case filing, detectives will deliver to the Detention Center the Jail Copy of the CS&C at the same time the case filing is placed in the designated repository.
 - c. When the prisoner has been released from custody before being served with a copy of the CS&C, upon returning to court, the defendant will be served with the complaint by the judge.
- (3) When the exact nature of the charges to be filed against the defendant have yet to be determined, the Felony Processing Form, DPD 275, may be used by the investigator to insure prisoners being held on investigation charges will be properly advised of their rights and made eligible for bond without unnecessary delay.
- (4) The misdemeanor case filing will include:
 - a. Court Copy of the CS&C - ALWAYS THE ORIGINAL.
 - b. District Attorney Copy of the CS&C.
 - c. At least one (1) extra copy of the CS&C (may be a photocopy).
 - d. At least two (2) copies of any additional lists of witnesses.
 - e. Any supplemental not left with the D.A. at the time of acceptance.
 - f. The R-84 sheet, except in DUI arrests.
- (5) Officers will not place any dollar amounts for bonds on Felony or Misdemeanor Processing Forms, or on the bottom of the Criminal Summons & Complaint.

- (6) If, after an advisement form has been sent to the court, the charges are either dropped or reduced to a City Ordinance charge, the detective shall contact personnel in Room 111 and advise them of the change.

302.03 Bail and Bondsmen: Investigator's Procedures (See OMS 104.47)

302.04 Restitution and Dropping of Charges

- (1) Under no circumstances shall any investigator negotiate, agree to, or accept restitution in any case whatsoever, for the purpose of reducing or dropping any charges or for any other purpose.
- (2) The complainant in every case must understand and accept the fact that any case filed is for the sole purpose of prosecuting the defendant and not for the purpose of recovering personal property, losses, or forcing payments or collections of any kind.
- (3) The primary job of the investigator is to investigate, file, and present competent testimony on every criminal offense.

302.05 Grand Jury Procedures

- (1) Definitions
 - a. **GRAND JURY:** A jury of 12 to 23 citizens that investigates accusations concerning crimes. If there is sufficient evidence, the jury may return an indictment.
 - b. **INDICTMENT:** A formal accusation against a person by a **grand jury** based upon probable cause that the person committed a crime.
 - c. **NO TRUE BILL:** The grand jury returns a "no true bill"; effectively closing the case, when it determines the evidence is insufficient to find probable cause. The court will normally seal no true bill cases.
 - d. **REPORT:** If the grand jury does not indict, it can write a report (*C.R.S. §16-5-205.5*)
- (2) The chief judge of the district court or his designee may order a Grand Jury where authorized by law or required by the public interest. (*Rule 6 Grand Jury Rules (a),(b),(c), Colorado Rules of Criminal Procedures, Colorado Revised Statutes*)
- (3) All persons associated with a grand jury and its investigations or functions should at all times be aware that a grand jury is an investigative body, the proceedings of which shall be secret. Witnesses or persons under investigation should be dealt with privately to insure fairness and confidentiality. The oath of secrecy shall continue until such time as an indictment is made public, if an indictment is returned or until a grand jury report dealing with the investigation is issued and made public as provided by law. (*Rule 6.2 Secrecy of Proceedings (a), Colorado Rules of Criminal Procedures, Colorado Revised Statutes*)
 - a. Only the prosecutor may disclose information of the general-purpose regarding the grand jury's investigation.
 - b. Justification for grand jury secrecy includes but is not limited to:
 1. To prevent the escape of those individuals whose indictment may be contemplated.
 2. To prevent disclosure of derogatory information presented to the grand jury against someone who has not been indicted.
 3. To encourage witnesses to come before the grand jury and testify with respect to the commission of crimes.
 4. To encourage grand jurors to conduct uninhibited investigation of and deliberation on suspected criminal activity.
 - c. At no time will any Denver Police officer make any release or comment regarding grand jury proceedings, acknowledge the existence of an investigation conducted by a grand jury or

comment on a grand jury which has been empanelled.

- (4) The court upon written motion of the grand jury appoints investigators. Investigators may be law enforcement officers who are presently investigating the subject matter before the grand jury. *(Rule 6.5 Investigator (a), Colorado Rules of Criminal Procedures, Colorado Revised Statutes)*
 - a. Every person appointed as a grand jury investigator will be administered an oath of secrecy by the chief judge of the district court or his designee.
 - b. Discussions regarding a grand jury investigation will be limited to other sworn investigators or the grand jury prosecutor.
 - c. Sworn investigators may only discuss a grand jury investigation for which they are appointed and only with other persons appointed to the investigation.
 - d. A grand jury investigator can never have a discussion with a member or members of the grand jury except under oath on the witness stand. There are no exceptions to this rule.
 - e. Investigators are sworn at the discretion of the presiding District Court Judge and the District Attorney. The commanding officer of the affected bureau responsible for the Grand Jury investigation will determine appropriate levels of supervision required. Command and supervisory officers will be sworn as necessary.
- (5) The indictment shall be a written statement presented in open court by a grand jury to the district court, which charges the commission of any crime, by an alleged offender. *(Rule 7, Indictment and the Information (a) Colorado Rules of Criminal Procedures, Colorado Revised Statutes. C.R.S. §16-5-201 Indictments)*
 - a. Upon motion by the prosecutor, the court shall order the indictment to be sealed and **no person** may disclose the existence of the indictment until the defendant is in custody or has been admitted to bail, except when necessary for the issuance of a warrant or summons. *(Rule 6.6 Indictment-Presentation-Sealing, (b) Colorado Rules of Criminal Procedures, Colorado Revised Statutes)*
 - b. Information released to the public shall be made only **after** the court has unsealed the indictment. The determination for release of information will be made by the Denver District Attorney's office. The Denver Police Department may participate in the information release at the request of the Denver District Attorney.
- (6) A grand jury report may be prepared and released as permitted by **C.R.S. §16-5-205.5 Grand Jury Reports**. *(Rule 6.7 Reports, Colorado Rules of Criminal Procedures, Colorado Revised Statutes. C.R.S. §16-5-205.5 (1) through (5))*
 - a. A grand jury report may be deemed to be in the public interest only if the report addresses one or more of the following:
 1. Allegations of the misuse or misapplication of public funds
 2. Allegations of abuse of authority by a public servant, as defined by C.R.S. §18-1-901 (3)(o), or a peace officer, as defined by C.R.S. §18-1-901 (3)(l).
 3. Allegations of misfeasance or malfeasance with regard to a government function, as defined by C.R.S. §18-1-901 (3)(j).
 4. Allegations of commission of a class 1, class 2, or class 3 felony.

302.06 Deleted

302.07 Deleted

302.08 Deleted

302.09 Deleted

302.10 Rights Advisement Form, DPD 369

- (1) When an arrest is made by a Denver police officer, the arresting officer shall advise the arrested person of their rights as indicated on Advisement Form, DPD 369, and shall, in their own handwriting, fill out DPD 369.
- (2) If the arrested person refuses to sign DPD 369, the arresting officer shall write the word "refused" in the space provided for the suspect's signature. It is desirable, but not absolutely essential, that the advisement be witnessed.
- (3) When the Advisement Form, DPD 369, is made out by department personnel, both copies of the completed form will be immediately hand carried to the Detective Bureau.
- (4) If no Advisement Form, DPD 369, is received from the arresting officer, investigators should make an attempt to locate it. Investigators shall submit a report to their supervisors when arresting officers fail to comply.
- (5) Personnel assigned to the communications desk will immediately route to the proper investigative detail all DPD 369s received. Investigators shall notify their supervisors of any delay in the arrival of these forms.
- (6) Prior to any interrogation or questioning of suspects, DPD 369 shall be made out by the investigator.
 - a. DPD 369 shall be made out by the investigator on each succeeding occasion when a suspect is questioned at intervals. For example, if a suspect is questioned during the forenoon hours and again during the afternoon hours, a DPD 369 shall be filled out prior to each interrogation period. If a formal statement is obtained from the suspect during any subsequent interrogation period, the DPD 369 at that time will not be needed.
 - b. If the case is not filed by the District Attorney, all copies of DPD 369 will be retained with the case file.
- (7) Public Defender

In the event a suspect requests the Public Defender, a current list of the available attorneys of the Public Defender's Office is posted at the Investigation Division Communications Desk, and the Detention Center.

302.11 Statements

- (1) Use of DPD 366, Statements
 - a. When investigation arrests and other arrests are made that could result in a case being filed in District Court, the arresting officer shall fill out form DPD 366.
 - b. All remarks or responses to interrogation made by the suspect shall be entered in complete detail.
 - c. A separate sheet shall be used for each suspect. The reports shall not be filed by two officers unless all remarks are made in the presence of both.
 - d. Remarks to individual officers shall be the subject of a separate report.
 - e. Besides the above information, the arresting officer shall detail all phases of the arrest that could be related as evidence during the trial.
 - f. The report shall be completely filled out and shall be printed or typed and legible.
 - g. The report shall be taken immediately to the Detective Bureau upon street arrest and jailing. In cases where the suspect is taken to the Detective Bureau the report shall be made and given to the detective on duty.
 - h. Date and time of statements must appear on the form.
- (2) Witness' Statements
 - a. DPD 366 shall be used for all witness' statements and should be completed in its entirety.
 - b. All witness' statements included in case filings presented to the District Attorney shall indicate

the time of day and the specific date on which the statement was taken.

- c. If a witness' statement is received from a uniformed officer and the time and date are not indicated, the investigator shall contact the officer making out the statement form, ascertain the time of day and date, and enter this information on the statement form.

(3) Confessions

- a. A confession may be oral, written and signed, or written and unsigned.
- b. A confession must be voluntary. The prosecutor, before introducing a confession into evidence, must prove that it was voluntarily given by the defendant without the use of force, threats, duress, promises, or other inducements.

(4) All confessions shall be taken in formal form and the opening questions in order shall be as follows:

- a. What is your name?
- b. Where do you live?
- c. What is your date of birth?
- d. This concerns an incident that occurred on (date) in which (name of victim), located at (address) (brief explanation of crime which occurred). I want to question you at this time concerning any knowledge you might have of this incident. Do you understand this?
- e. Before doing this, you are advised that you have a right to remain silent. Do you understand?
- f. Do you understand that any statement you do make can be used as evidence against you?
- g. Do you further understand that you have a right to the presence of an attorney, either retained or appointed?
- h. Knowing these things, do you care to tell us about this incident?
- i. Have any promises or threats been made to you?
- j. Now tell us in your own words what knowledge you have of this incident.

(5) If it is known during the taking of a formal statement that any person being questioned is suffering a definite physical or mental impairment, then ask that person if he or she feels physically and mentally able to give a statement.

- a. Do not ask this question relative to impairments generally during any interrogation, but only when you have definite knowledge of such physical or mental impairment.
- b. If there is in fact no obvious impairment, the asking of the question could constitute an invitation to the suspect to set up a possible defense for the commission of the act or an excuse for making the statement.

(6) Admissibility of Statements

- a. If one co-suspect makes a confession or an admission outside of the presence of the other co-suspect(s), that statement is inadmissible against the other co-suspect(s) even if the other co-suspect(s) is implicated in the crime.
- b. The officer should read a co-suspect's statement that was made outside of the presence of the other co-suspect to the other suspects and if these suspects assent to the statement, then it is admissible against them at the trial.

302.12 Polygraph (Revised 03/2013)

(1) In criminal investigations, the polygraph may be used to test any of the following subjects: (a) suspect, (b) victims, or (c) witnesses, provided however, that proper preliminary field investigation has been exercised prior to the polygraph examination.

- a. The polygraph examiner may refuse to examine any subject if it is believed that the subject is not in proper physical or mental condition for an examination, or if there is not sufficient information on which to base an effective instrumental interrogation.
- b. A subject cannot be forced to take a polygraph examination. Any force or intimidation used to

force a subject to take a test would render any subsequent confession inadmissible as evidence. The subject must agree without any duress to take the examination.

- (2) Polygraph procedures:
 - a. A polygraph request form shall be completed in its entirety with all information set forth. Include the following documents so that a proper examination may be prepared: Copy of the offense report, statements - including written statements, and criminal record. The investigator who actually participated in the investigation and is, therefore, the most familiar with the facts and particulars of the pending case, should make this information available, in writing.
 - b. The original polygraph request form, plus all required documents, should be placed in the polygraph mail box in the Detective Bureau and will be retained as part of the subjects examination file.
 - c. The polygraph examiner will notify the investigating detective of the scheduled examination date and time, in writing if time permits.
 - d. The detective is then solely responsible for notifying the subject of the appointment. Should a person fail to appear for a scheduled examination, the investigator may, if deemed necessary, request a second appointment. Thereafter, no additional examination date for the same subject will be accepted without the permission of the polygraph supervisor.
 - e. The very nature of a polygraph examination is such that the examiner does not confine themselves solely to the questions which may be of interest to the investigator. Control situations can and often are developed around questions based on the personal history of the subject, in order to measure responses to controlled stimuli or those questions relating to the actual case under investigation. Therefore, it is mandatory that all information requested on the polygraph request form be filled in completely.
 - f. Once an individual has been filed on in any court, he/she shall not be administered a polygraph examination by this Department. Only the Commander of the Major Crimes Division may authorize such examination.
- (3) Polygraph subjects will not be examined on the polygraph until the investigator has contacted the subject in person and either conducted an interrogation or an interview.
- (4) Whenever possible, investigators shall remain in their office during the polygraph examination of a subject in one of their cases. This is requested since a confession or admission can be immediately repeated by the subject to the investigator if one results from the examination.
- (5) No public disclosure shall be given by a police officer as to whether the examinee passed or failed a polygraph examination.
- (6) The investigators should avoid disclosure of any details or facts established in the investigation which are not known to the subject. If this precaution is disregarded, it may preclude the examiner conducting the best possible informative and reliable tests.
- (7) Unfit Subjects. Subjects with any of the following disabilities are not considered to be suitable for examination and should not be scheduled under any conditions:
 - a. Under the influence of alcohol, sedatives, opiates, or other drugs.
 - b. Those complaining of physical pain.
 - c. Severe colds or other respiratory involvements.
 - d. Nervous disorders.
 - e. Psychiatric or mental problems.
 - f. Coronary or heart conditions.
 - g. History of drug or narcotic addiction.
 - h. Involved in any type withdrawal program.
 - i. Pregnant women.
- (8) Juvenile Examination (under 18 years of age)
 - a. Should you require a polygraph examination for a juvenile, the following steps should be

carefully adhered to.

- b. An Authorization for Juvenile Polygraph, DPD 686, must be filled out and forwarded along the investigator's chain of command to the Commander of the Major Crimes Division. The authorization request will be complete and will include the entire case file. All required signatures on the request form must be complete prior to the examination being scheduled.
- c. Once an examination date has been set by the examiner, the investigator shall notify the juvenile and one parent or adult guardian of the date and time to appear for examination. The examiner shall obtain the signatures needed on the consent or waiver at the time of the examination. Individuals under fourteen years of age shall not be considered for polygraph examinations.
- d. At the conclusion of a polygraph examination, the examiner will notify the investigator concerning the examination results and other pertinent information developed during the examination procedure.

302.13 Deleted

302.14 Investigation Funds and Informant Use, Supervision and Compensation

- (1) The Commander of Investigative Support Division shall establish guidelines in the form of written Directives to govern investigative funds and the use, supervision, and compensation of informants. These Directives will cover the following:
 - (2) A Directive will establish a bookkeeping procedure for the use of funds to pay informants, make controlled buys and cover miscellaneous investigative expenses.
 - a. Requests for money from such funds will be made to the commanding officer of the appropriate bureau and must follow the guidelines set forth in the Investigative/Informant Fund Directive.
 - b. It shall be the responsibility of the supervisor or command officers who check out money to assure that all monies are accounted for.
 - c. All funds of the Investigative Support Division will be audited monthly by the Office of the Deputy Chief, and copies of the audit provided to the Chief of Police and the Manager of Safety.
- (3) A Directive for the use, supervision, and compensation of informants will identify the importance of the use of informants, categories of informants and informant classifications.
 - a. Restrictions will be established for using certain types of criminals and juveniles as informants.
 - b. Supervisors must be aware of agreements between subordinates and informants.
 - c. Compensation for informants in the form of pay, dismissal of cases or appearances on their behalf must follow the Directive guidelines.
 - d. Informant record keeping, codes, and file security will be covered in the Directive.

303.00 – FINANCIAL CRIMES UNIT

303.01 General Procedures

- (1) The Fraud Unit is responsible for investigations relating to checks, financial transaction devices, forgeries, identity theft, criminal impersonation, fraud by check, non-return of rented property (excluding motor vehicles), and long-term con games.
 - a. During normal business hours, detectives assigned to the Fraud Unit are available for advice and assistance.
 - b. During the off duty hours, a call out list for Fraud Unit personnel is maintained by Denver 911.
- (2) All suspects ordered into the Fraud Unit will be directed to appear for the next business day at 0900 hours.
- (3) Only members of the District Attorney's Office or members of the Fraud Unit shall be allowed to remove any file on any case from the Fraud Unit Office, except with the expressed permission of the supervisor of the Fraud Unit or a command officer of the Major Crimes Division.

303.02 Stolen or Lost Checks

- (1) A General Occurrence report will be completed when a person requests to report the loss or theft of a check. Reports shall be completed if the check was lost/stolen in Denver or if the account holder is a Denver resident. This is Colorado state law and is in compliance with C.R.S. §16-5-103. If that is the only property missing, and the loss is not a part of another offense such as burglary, theft, or theft from motor vehicle, a General Occurrence report will be completed and entitled "Lost or Stolen" and specify "Checks". The same report should be taken from an account holder involving counterfeit checks or an electronic compromise. A description of the check should include the name of the bank, the account number, the missing check number(s), as well as the name of the account holder(s) as it appears on the check. The body of the report should include the information that the report was made "For Record Only." If the loss is a part of another offense or if items of value were taken, the report title should indicate the proper offense and the report shall be routed to the appropriate investigative unit for follow-up.
- (2) If the loss of a check is part of any other crime where a General Occurrence report is to be completed, the check will be listed as stolen property and completely described, indicating the issuing bank, account number, check numbers, account holder information, etc.
 - a. Indicate if such checks are blank or have been filled out.
 - b. No dollar value is stated in the Value column of the General Occurrence report, as there is no actual value to the checks or financial transaction devices.
 - c. Additional documentation shall be sent to the Records Section to be scanned into RMS.
- (3) When any investigator, regardless of assignment, receives a General Occurrence report in which checks were taken or lost, the investigator shall immediately notify the Fraud Unit of the pertinent information.

303.03 Forgeries of Checks

- (1) Uniform officers will not complete a General Occurrence report in cases involving the forgeries of checks, only the theft of checks unless the incident is fresh and a suspect is arrested.
 - a. Complainants (typically a bank or merchant suffering financial loss and not the account holder) shall be required to call the Fraud Unit the following business day to make an appointment with a Fraud Unit detective.
 - b. Fraud Unit detectives will interview the complainant, determine if the case meets the statutory requirements, and complete any necessary reports, including the General Occurrence report.

303.04 Stolen, Lost, Counterfeit or Compromised Financial Transaction Devices

Financial transaction device means any instrument or device whether known as a credit card, banking card, debit card, electronic fund transfer card, ATM card, or guaranteed check card, or account number representing a financial account or affecting the financial interest, standing, obligation or to the account holder, that can be used to obtain cash, goods, property, services, or to make financial payments.

- (1) A General Occurrence report will be completed when a person requests to report the loss of a financial transaction device. Reports shall be completed if the card was lost/stolen in Denver or if the account holder is a Denver resident. This is Colorado state law and is in compliance with C.R.S. §16-5-103. If that is the only property missing and the loss is not a part of another offense such as burglary, theft, or theft from motor vehicle, a General Occurrence report will be completed and titled "Lost or Stolen" and specify "Financial Transaction Device." This is also true if the card was compromised in another matter and the account holder is still in possession of their card. A description of the financial transaction device should include the name of the bank and account number, as well as the name of the account holder as it appears on the financial transaction device. The body of the report should include the information that the report was made "For Record Only." Additional documentation shall be sent to the Records Section to be scanned into RMS.

- (2) The complainant shall be advised to:

- a. Report the missing or compromised financial transaction device to the banking, financial, or business institution issuing the card, and
- b. Advise the complainant the loss of the financial transaction device will not be investigated, but that the unauthorized use of the financial transaction device will be investigated by the jurisdiction in which the usage occurred.

- (3) If the theft of a financial transaction device is part of any other crime where a General Occurrence report is to be made or if items of value were taken, the report title should indicate the proper offense and the report shall be routed to the appropriate investigative unit for follow-up. The financial transaction device will be listed as stolen property having no value, including the name of the bank, account number, and name as it appears on the card.

303.05 Arrest of Suspects Involving Checks or Financial Transaction Devices

- (1) In cases of forgeries of checks or financial transaction devices when it has been verified that the checks or financial transaction devices are stolen/counterfeit, the suspect will be arrested.

- a. The suspect will be charged with Investigation of Forgery when the offense involves checks.
- b. The suspect will be charged with Investigation of Unauthorized Use of a Financial Transaction Device when the offense involves financial transaction devices.

- (2) The suspect and all evidence will be taken to the Fraud Unit during the hours it is open.

- a. The arresting officer shall fill out a Statement Form, DPD 366.
- b. The arresting officer will identify and obtain a written statement from the acceptor of the check or financial transaction device and any other potential witnesses to the event on DPD 366. The acceptor is the person to whom the suspect actually presented the check or financial transaction device (bank teller, sales clerk, cashier, etc.).

- (3) When the Fraud Unit is closed, the following procedures will be followed:

- a. The suspect shall be processed according to OMS 104.01(24).
- b. The officer will advise the suspect of his rights and attempt to obtain a verbal or written statement.
- c. The evidence will be initialed, dated, and placed in the secured lock box in the Property Bureau. Do not place checks, financial transaction devices, driver's licenses, or other documentary evidence in the Property Bureau, unless a large amount of evidence is recovered.
- d. A Statement Form, DPD 366, will be completely filled out by the arresting officer and left with the rest of the paperwork in the secured lock box located in the Property Bureau.

- (4) Suspects arrested on warrants involving checks or financial transaction devices will be processed as outlined in OMS 104.10.]

303.06 Confidence Games

- (1) Long term confidence-fraud games involving the use of deception or misrepresentation to perpetrate a theft are investigated by the Fraud Unit. The more common of these confidence games are the Lotto Scams, Nigerian Scams, Bank Examiners Swindle, Pigeon Drop, Jamaican Switch, and the Gypsy Swindle.]
- (2) Officers shall complete a General Occurrence report in cases of confidence fraud games and title the report "Theft (Confidence Game)".
- (3) All persons arrested for Investigation of Theft (Confidence Game) shall be processed according to the procedures outlined in OMS 104.01(24).
- (4) Other, short term, confidence games, such as the Shell Game and Three Card Monte are similar to games of chance and will be handled by the Vice/Drug Bureau.

303.07 Non-Return of Rented Property

- (1) No General Occurrence report shall be completed by uniform officers.]
- (2) The complainant shall be advised to call the Fraud Unit during normal business hours and make an appointment with a detective.
- (3) Complaints involving non-return of rented cars will be referred to the District Station Investigations Unit for appropriate action. See OMS 104.36(6).]

303.08 Theft of Lodging/Meals

- (1) Process Theft of Lodging/Meals involving Checks or Credit Cards according to OMS 303.05 and route all cases to the Fraud Unit.]

303.09 DELETED 7/08 - Misdemeanor Theft of Lodging or Meals Using Check or Financial Transaction Device (under \$1,000.00)]

303.10 Fraud by Check

The below listed guidelines will be used to handle calls involving fraud by check.

Note: These guidelines do not apply to cases involving counterfeit checks, stolen checks or use of a fake or fictitious identity or identification. Such conduct involves forgery and/or criminal impersonation and should be handled accordingly.

- (1) Fraud by check (commonly referred to as a "bounced check") deals with checks refused for payment by] the bank. The two reasons for refusals typically are:
- a. Insufficient funds
 - b. Account closed, or
- (Refer to Maker and Stop Payment checks are usually civil in nature.)]
- (2) If the suspect is not present, and it is determined that the check or checks are not counterfeit, the complainant will be advised to do one of two things.
- a. If the total of the check(s) is \$5,000.00 or less, the complainant will be advised to contact the Denver District Attorney's Bad Check Restitution Program. They can do this by calling (800) 574-5378, or at www.denverda.org to file their complaint.
 - b. If the total of the check(s) is over \$5,000.00, the complainant will be advised to contact the] Fraud Unit during normal business hours at (720) 913-6752.

- (3) If the suspect is at the scene of a possible fraud by check violation, officers will make every attempt to verify that the check in question is not a forgery. If the officer is unable to establish that the check is a forgery, but can establish that the account is closed, or the check is insufficient funds, the following procedure shall be followed:
- a. If the complainant has not sustained any monetary loss from the attempted Fraud by Check:
 1. The officer will advise the suspect that the account is closed, or has insufficient funds, and not to write any more checks.
 2. The check that was tendered, and a letter detailing the circumstances will be delivered to the Fraud Unit, during normal business hours, or placed in the evidence box located in the Property Bureau after hours.
 3. If the check was written on a closed account only (not insufficient funds), any other checks on that account in the suspects possession will be taken and turned over to the Fraud Unit per the instructions in OMS 303.10(3)a2 (above).
 - b. If the complainant has checks that were previously tendered by the same person, on the same account and the total of the check(s) is \$5,000.00 or less:
 1. The complainant will be advised to contact the Denver District Attorney's Bad Check Restitution Program by calling (800) 574-5378, or at www.denverda.org.
 2. The checks that had been tendered will be left with the complainant.
 3. If the check was written on a closed account only (not insufficient funds), any other checks on that account in his possession will be taken and turned over to the Fraud Unit.
 - c. If the suspect has presented a check(s) that total more than \$5,000.00:
 1. The identity of the suspect should be verified and the suspect ordered in to the Fraud Unit for the next business day at 0900 hours.
 2. Seize all evidence, including the original check(s), receipts, and the suspect's identification(s).
 3. The arresting officer will identify and obtain written statement(s) on DPD 366 from the complainant and/or acceptor of the check and any other potential witnesses to the event.
 4. Officers will instruct the complainant to contact the Fraud Unit as soon as possible at (720) 913-6752.
 5. Advise the suspect of his/her rights and attempt to obtain a verbal or written statement.
 6. A statement will be completely filled out by the reporting officer, using DPD 366.
 7. During normal business hours, the reporting officer will hand carry all evidence, documents and statements directly to the Fraud Unit. If the Fraud Unit is closed, the reporting officer will place all evidence, documents, and statements into the locked evidence box located in the Property Bureau.

303.11 Lost or Stolen Money Orders

Unlike checks and credit cards, Money Orders are recognized by the Denver District Attorney's Office as a thing of value. As a result, cases involving the loss or conversion of a Money Order are handled as follows:

- (1) If the money order was blank at the time of the loss, the money order is considered the same as cash and will be investigated as any other theft investigation. Venue in the blank money order scenario is at the point of conversion.
- (2) If the money order was filled out at the time of the loss and altered in any way, the investigation will be handled as any other forgery investigation. Venue in the altered money order scenario can be either at the point of loss or at the point of conversion.

303.12 Criminal Possession of a Financial Device C.R.S. §18-5-903

A "Financial Device" means any instrument or device that can be used to obtain cash, credit, property, services, or any other thing of value or to make financial payments, including but not limited to:

- a. A credit card, banking card, debit card, electronic fund transfer card, or guaranteed check card;
- b. A check;
- c. A negotiable order of withdrawal;
- d. A share draft; or
- e. A money order

(1) Persons in criminal possession of stolen financial device(s) shall be charged and jailed for Investigation of Criminal Possession of a Financial Device as follows:

- a. If the suspect is in possession of one stolen financial transaction device, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 1 Misdemeanor.
- b. If the suspect is in possession of two or more stolen financial devices, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 6 Felony.
- c. If the suspect is in possession of more than four stolen financial devices issued to different account holders, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 5 Felony.

(2) The suspect and all evidence will be taken to the Fraud Unit during normal business hours.

- a. Advise the suspect of his rights and attempt to obtain a verbal or written statement.
- b. The evidence will be initialed, dated and given to the investigating detective.
- c. The arresting officer shall fill out a Statement Form, DPD 366, detailing how the evidence was discovered and seized. The arresting officer will also indicate how it was determined the financial device was verified as stolen, identifying any person providing, and verifying that the card(s) are stolen.

(3) When the Fraud Unit is closed, the following procedures will be followed:

- a. The suspect shall be processed according to OMS 104.01(24).
- b. Advise the suspect of his rights and attempt to obtain a verbal or written statement.
- c. The evidence will be initialed, dated, and placed in the Document Box located in the Property Bureau. Do not place checks, financial devices, driver's licenses, or other documentary evidence in the Property Bureau.
- d. The arresting officer shall fill out a Statement Form, DPD 366, detailing how the evidence was discovered and seized. The arresting officer will also indicate how it was determined the financial transaction device was verified as stolen, identifying any person providing and verifying that the card(s) are stolen.
- e. Any bank or financial institution requesting additional information regarding evidence seized in relation to the investigation should be directed to call the Financial Crimes Unit the following business day.

303.13 DELETED 3/13 - Examinations of Questioned Documents (See OMS 301.32)**303.14 Identity Theft and Criminal Impersonation**

Identity Theft is a Class 4 Felony. Identity Theft is defined as a person knowingly using or possessing (with the intent to defraud) another person's personal identifying information, financial information, financial identifying information, or financial device with permission or lawful authority to obtain cash, credit, property, services, any other thing of value, or to make a financial payment.

- (1) Officers shall complete a General Occurrence report from victims of Identity Theft if the offense occurred in Denver or if they are resident of Denver. This is Colorado state law and is in compliance with C.R.S. §16-5-103. Reports shall be taken despite limited information from the victim including offense location. The victim's home address can be used as the offense location for Denver residents. The report shall be titled "Identity Theft" and any additional documentation shall be forwarded to the Records Section to be scanned into RMS.
 - a. Victims can also report incidents online at www.denvergov.org/policereport
 - b. Identity Theft involving only a Traffic Violation (Municipal Code or Colorado Revised Statutes) will be investigated by the Traffic Investigations Bureau.
- (2) Suspects arrested for Identity Theft shall be processed according to OMS 303.05.
- (3) Criminal Impersonation, C.R.S. §18-5-113, is defined as a person knowingly assuming a false or fictitious identity and does an intentional act for the purpose of gaining a benefit or if such act might subject the victim to harm. Criminal Impersonation is a Class 6 Felony.
 - a. Denver Revised Municipal Code 38-40, False Information, should be cited in the vast majority of cases involving a suspect giving a false or fictitious name during police contact to avoid arrest or other reason. False Information should be charged regardless of the seriousness of any discovered warrant, significant steps taken to identify the suspect, or if the false name is an actual person.
 - b. Every attempt shall be made by officers in all arrests and order-ins to properly identify suspects including obtaining fingerprints to avoid creating identity theft victims.
 - c. For crimes involving Impersonation of a Peace Officer, refer to OMS 301.23 (9).

303.15 Forged Identifications

- (1) Officers recovering fake or forged identifications including state licenses or IDs, Military IDs, Social Security cards, and various IDs from outside the United States, shall make every attempt to establish if the ID is legitimate before any enforcement action is taken. No ID shall be seized without verification and without applicable charges. Fraud Unit detectives are available during normal business hours and the ID shall be transported to headquarters, room 106, for verification.
 - a. After normal business hours, a night-shift detective or an Identification Bureau technician shall review the ID for legitimacy. An Identification manual is available in the Identification Bureau.
 - b. An ID determined to be legitimate shall be returned to the owner and only placed into the Property Bureau, as personal property, if the owner is no longer available.
- (2) If an ID is determined to be forged, the suspect should be charged with Investigation of Possession of a Forged Instrument, C.R.S. §18-5-105, a Class 6 Felony, and Identity Theft if applicable. The evidence shall be placed into the Financial Crimes locked evidence box, and the suspect processed according to OMS 303.05.
 - a. If a suspect tenders a fake insurance card, bus pass, or other document of this nature, Denver Revised Municipal Code 38-8, Use or Offer of False Identification, can be charged. Documents shall be placed into the Property Bureau and the incident number documented on the General Sessions Summons and Complaint, DPD 236. DRMC 38-3 does not apply to possession cases. Traffic charges may also apply.

303.16 Undercover Operations and Notifications of the Financial Crimes Unit

- (1) All undercover operations or use of informants regarding any Financial Crimes, Forged IDs, or Identity Theft cases generated from the Fraud Unit shall be conducted in cooperation with the Investigative Support Division. Any such operation outside Major Crimes will require notification of the Fraud Unit and the Investigative Support Division.

304.00 - VICE/DRUG CONTROL BUREAU

The enforcement of vice and drug control laws is the responsibility of all Denver Police Officers. However, in the event of specialized and/or covert investigations dealing with vice/drug related offenses, it will become the responsibility of the Vice/Drug Control Bureau.

Prior to an investigation being conducted by other personnel of the Denver Police Department, it will be the responsibility of the officers or their supervisors to notify the Vice/Drug Control Bureau. This required notification will prevent duplication of effort and promote the safety of all officers concerned. This includes all narcotic stings, undercover buys, controlled buys, reverse operations, search warrants, prostitution stings, liquor license inspections and any other operation which would be classified as vice or drug related.

The following procedures will acquaint the officer with ways of dealing with vice/drug control violations.

304.01 Controlled Substances

- (1) Arrests (Refer to C.R.S. §16-3-102)
 - a. The majority of controlled substance arrests made by uniformed officers result from the arrest of a suspect for other charges and the subsequent recovery of controlled substances. All officers should, therefore, familiarize themselves with the laws of search and seizure found in the C.R.S. §16-3-101 through §16-3-201.
 - b. With the exception of arrests made for marijuana under one ounce, when a suspect is arrested for Investigation of Possession, Sale or Use of a Controlled Substance, the suspect and all related paperwork must be processed through the Narcotics Unit. All paperwork must be reviewed and stamped by a vice/drug control detective. When a vice/narcotics detective is unavailable, the case will be reviewed by the officer's supervisor.
- (2) Evidence - General Procedures
 - a. Maintain sole custody of any recovered substance until it is deposited in the Property Management Bureau]
 - b. Dangerous drugs/narcotics will be sealed inside a plastic evidence bag, separate from all evidence. Heat-seal the top after initialing and dating the bag. The sealed bag will then be placed in the appropriate sized Property/Evidence envelope, DPD 23, or box and seal the envelope/box with evidence tape. Initial the evidence tape. An exception is made for freshly picked marijuana which must be packaged in paper. The bag/box will be sealed with red evidence tape and initialed.
 - c. Complete the Property Invoice and Receipt, DPD 122, and place the evidence in the Property Management Bureau. It will be the responsibility of the assigned vice/narcotics detective to have the evidence analyzed after reviewing the case with the Complaint D.A.]
- (3) General Occurrence (GO) Report - These general guidelines should be adhered to when making a General Occurrence (GO) Report for a controlled substance case.]
 - a. What led the officers to make the initial arrest? (Probable Cause)
 - b. Who found the controlled substance? (Officer's Name)
 - c. Exactly where was the controlled substance found? For example: left front shirt pocket OR under front seat, driver's side OR in residence, right drawer of desk in living room.
 - d. Incriminating oral statements made by the suspects after being verbally advised must be quoted in the statement of the officer who heard the statements. All formal statements will be made on the Statement Form, DPD 366.
 - e. Which officer initialed and dated the evidence? The officer taking the evidence to the Property Management Bureau is to be listed in the General Occurrence (GO) Report. If more than one officer is involved, it is advisable that the evidence be sealed in the presence of the officers concerned.]
 - f. The evidence listed in the General Occurrence (GO) Report should correspond numerically to the items listed on the Property Invoice and Receipt, DPD 122.]

- g. The State of Colorado is listed as the victim on the General Occurrence (GO) Report in controlled substance violation.
- (4) All related paperwork will be left at the Narcotics Unit. When the Unit is closed, all paperwork will be placed in a completed Felony/Misdemeanor Arrest Envelope, DPD 130, and left in the Records Section.
- (5) Case Reports and Court Attendance
 - a. A complete file of all controlled substance reports is kept in the Narcotics Unit. The investigating detective will make all necessary reports available to the arresting officers prior to a court appearance.
 - b. Controlled substance arrests necessitate frequent appearances in court for preliminary and suppression hearings and the final trial. All pertinent information which may be required as testimony in court regarding the arrest and seizure of evidence should be listed in the General Occurrence (GO) Report and Statements.
- (6) Marijuana Arrests

C.R.S. §18-18-406(1) states any person who possesses not more than one ounce of marijuana commits a Class 2 Petty Offense and no General Occurrence (GO) Report is necessary. If there are no other offenses present, charge and order the suspect into court on the General Session Summons and Complaint. If assistance is needed in determining what charges are to be placed, contact a vice/narcotics detective for assistance.

 - a. In all arrests for marijuana under one ounce, the evidence will be handled as in a controlled substance arrest. A Laboratory Analysis Request is not needed. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
 - b. Public display of marijuana - C.R.S. §18-18-406(3) - applies to smoking marijuana in a public place or publicly displaying it in any way. Follow the same procedure as that for possession of less than one ounce of marihuana.
 - c. Possession of marijuana over one ounce, but less than eight (8) ounces, is a misdemeanor for first violations under the provisions of C.R.S. §18-18-406(4)a. A check with the Narcotics Unit will be needed before filing charges. See OMS 304.01(1).
 - d. Dispensing marijuana less than one ounce as defined in C.R.S. §18-18-406(5) is the same class offense as possession under one ounce.
 - e. Dispensing marijuana over one ounce or dispensing any amount of marijuana concentrate is a felony under the provisions of C.R.S. §18-18-46(7).
 - f. Possession of eight ounces or more of marijuana or any amount of marijuana concentrate is a felony under the provisions of C.R.S. §18-18-406(4)(b).
- (7) Unlawful Possession of an Injection Device and/or Possession of Drug Paraphernalia
 - a. When an arrest is made for the violation of the Possession of an Injection Device, place the injection device in the Property Management Bureau AS EVIDENCE and charge the suspect with Unlawful Possession of an Injection Device, Denver Revised Municipal Code (D.R.M.C.) 38-173. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
 - b. When an arrest is made for the violation of the Possession of Drug Paraphernalia, place the paraphernalia in the Property Management Bureau AS EVIDENCE and charge the suspect with unlawful Possession of Drug Paraphernalia, C.R.S. §18-18-428. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
- (8) Juvenile arrests for controlled substances will be handled by the Narcotics Section in compliance with established juvenile procedures. Any evidence seized will be handled as outlined in OMS 304.01(2).

(9) Fraud and Deceit to Obtain Controlled Substances

- a. If the suspect is present when the officer arrives, detain the suspect until verification is made through the pharmacist that the prescription is forged, stolen or altered.
 1. If the prescription is forged, stolen or altered, the suspect will be arrested for Fraud and Deceit to Obtain Controlled Substances. A General Occurrence (GO) Report will be made titled "Fraud and Deceit to Obtain Controlled Substances".
 2. If the pharmacist has filled the prescription prior to the officer's arrival, and the suspect has the controlled substance in his/her possession, the suspect will be charged with Possession of Controlled Substance and Fraud and Deceit to Obtain Controlled Substances. A General Occurrence (GO) Report will be made and titled "Fraud and Deceit to Obtain Controlled Substance" and "Possession of a Controlled Substance".
 3. The prescription and any drug obtained from the prescription will be initialed and dated by both the arresting officer and the pharmacist and placed in the Property Management Bureau as evidence. The officer must give the pharmacist a receipt showing that the prescription has been taken as evidence.
 4. In all General Occurrence (GO) Reports, list the name of the pharmacist who received the prescription, the name of the person who verified with the doctor that the prescription was forged, stolen, or altered and the name of the doctor whose signature was forged.
 5. After processing the suspect using the arrest/intake procedures outlined in OMS 104.01 (24), the arresting officer will photocopy the prescription, the arrest slip, the advisement form, and then forward these to the Narcotics Unit. The original prescription will be placed in the Property Management Bureau as evidence.
- b. If the suspect is not present when the officer arrives and the identity of the suspect is not known, do not make a General Occurrence (GO) Report. Seize the prescription as evidence and place it in the Property Management Bureau. Forward a letter immediately to the Narcotics Unit. The letter should contain the date, time, name of the pharmacy, name of the pharmacist, name of the doctor, a description of the suspect, and whether or not the prescription was filled.

(10) Possession and/or Introduction of Contraband (Controlled Substances and Marijuana only) into a Detention Facility

- a. The investigating officer must complete the following:
 1. Arrest slip (G.S.S. & C.) charging the suspect with Investigation Possession and/or Introduction of Contraband into a Detention Facility.
 2. Felony Processing forms on all defendants for the appropriate offenses.
 3. General Occurrence (GO) Report titled "Possession and/or Introduction of Contraband into a Detention Facility".
 4. Detailed statements from all Deputy Sheriffs, officers, and witnesses involved in the recovery of evidence, documenting the chain of custody.
 5. Advisement forms on all defendants
- b. If the suspect is already a prisoner at the County Jail, leave the completed arrest slip and Felony Processing form with the sheriffs and the suspect will be scheduled on the next available bus to the P.A.D.F.

If the suspect is not in custody at the County Jail for another offense, then the investigating officer must transport the suspect to the Van Cise-Simonet Detention Center for booking.

(11) Body Cavity and Strip Searches. See OMS 104.01(8).

(12) Drug Court Area Restrictions Arrests

- a. Persons who are subjects of "area restrictions" will be entered into the CCIC system by the Denver District Attorney's Office. Officers who get a hit on CCIC for this violation are to arrest the individual for probation violation, (C.R.S. §16-11-205), and bring the suspect to the Identification Bureau for confirmation of the area restriction. On the MDTs, the violation will initially be found under the corrections client format – "CCL".

1. The arresting officer will complete a General Sessions Summons and Complaint including in the probable cause, confirmation of the area the court restricted and the observations of the subject's actions. The officer will complete a one page statement.
2. If the subject is in violation of another charge, the officer will complete a second GSS&C and probable cause statement listing the second charge.
3. The original GSS&C will be left with the Detention Center Deputy Sheriff. The **District Attorney's copy of the GSS&C/s and the officer's statement will be placed in inter-departmental mail to: VICE/NARCOTICS – D.A. INTAKE – 3rd floor headquarters. DO NOT MAIL DIRECTLY TO THE D.A.'s OFFICE.**
4. During weekday hours, call (720) 913-9000 and leave a message for Chief Deputy District Attorney Greg Long that the subject has been arrested for an area restriction violation. For after hours and weekend arrests the on-call phone number of (303) 640-9707, should be used.

304.02 Liquor Violations Procedures

- (1) Any action on licensing violations as outlined in this section will be reported to the Vice/Drug Control Bureau for proper action. Arrests or citations for licensing violations should not be made without contacting a supervisor or the Vice/Drug Control Bureau. It is not necessary for officers to notify the Department of Excise and Licenses of liquor code violations, as these notifications will be made by Vice Detectives.
 - a. All requests for assistance from the detective assigned to the Director of Excise and Licenses will first be directed to a Vice/Drug Control Bureau Sergeant.
- (2) General Rules and Regulations Governing Liquor Outlets:
 - a. Conduct of establishments
 1. Each licensee will conduct their establishment in a decent, orderly, and respectable manner and will not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the senses of the average citizen or residents of the neighborhood in which the establishment is located.
 2. Violations or suspected violations of this regulation of the Colorado Liquor Code will be reported to the Vice/Drug Control Bureau on Interdepartmental Correspondence. Details, such as verified names and addresses of all parties involved, including employees, managers and/or owners present during the violation, and names of officers or complainants will be included in the letters.
 - b. The licensed premise, including any places of storage, where alcoholic beverages are stored or dispensed will be subject to inspection by peace officers during all business hours for the purpose of inspection and investigation or for the examination of inventory. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area will be made available for inspection without delay per Colorado Liquor Code.
 - c. Gambling Prohibited
 1. No licensee will allow illegal gambling on a licensed premise.
 2. If a violation is observed, seize evidence, identify the participants, and order the licensee to appear in the Vice/Drug Control Bureau. The charge of gambling has to be proven to charge the establishment with a violation. With the Order-In of the licensee, include a letter detailing the offense with names of participants and employees present. The Vice/Drug Control Bureau and/or the Department of Excise and Licenses will take the appropriate action.
 - d. Removal of Liquor from Premise
 1. No licensee, manager or agent of any establishment licensed for on-premises consumption will permit the removal of any alcoholic beverage in sealed or unsealed containers.

2. This regulation is directed at the establishment. Discretion should be used when deciding to cite or arrest the party removing liquor from the premises. Positive identification of the party removing the liquor will be obtained along with a verified address. The evidence will be seized and placed in the Property Management Bureau. The person(s) permitting the violation will be ordered to appear in the Vice/Drug Control Bureau.]

e. Unlawful sale of Liquor

1. It is unlawful to sell, serve, give away, dispose of, exchange or deliver, or permit the same of malt, vinous, spirituous liquor, or 3.2% beer to any person under the age of twenty-one (21), or to a visibly intoxicated person. It will be unlawful to sell to anyone during the hours prohibited by law.
2. This law is directed at the licensee and their employees. Do not arrest the intoxicated party for a violation of this section, unless you have other charges.
3. Attempt to determine who served the intoxicated party. Obtain positive identification and address, and make a visual sobriety evaluation of the intoxicated person. Include physical appearance, breath walk, speech, appearance of eyes, and any other observations which would indicate the intoxication of the party.
4. Include all the information obtained above in a letter to the Vice/Drug Control Bureau along with the license information and the names of all employees present and their actions. Appropriate action against the licensee will be taken by the Vice/Drug Control Bureau.

f. Age for Possession

1. It will be unlawful for any person under the age of twenty-one (21) years to possess malt, vinous, spirituous liquor, or 3.2% beer in any store, in any public place, including public streets, alleys, roads or highways, or inside vehicles while upon the public streets, alleys, roads or highways.
2. Persons in violation of this section should be cited or may be ordered-in to the Vice/Drug Control Bureau for Investigation Violation Colorado Liquor Code. The order-in must be accompanied by a detailed letter and Juvenile Case Summary if the violator is a minor.
3. Seal any opened liquor and transport it to the Property Management Bureau.]
4. A General Occurrence (GO) Report is required only if the arrest resulted from a bootlegging incident. See OMS 304.02(2)i.

g. Purchase of Liquor by Misrepresentation of Age

1. Obtaining 3.2% beer or malt, vinous, or spirituous liquor by misrepresentation of age from any licensed establishment is a violation on the part of the person and not the establishment.
2. If a person presents false identification, this should be seized as evidence along with the liquor purchased and placed in the Property Management Bureau.]
3. If the false identification appears adequate, obtain the name of the party and the establishment which sold to or served the party and include this information in a letter to the Vice/Drug Control Bureau.
4. If the identification does not appear adequate, order the party who made the sale and the licensee into the Vice/Drug Control Bureau.
5. The person making the purchase, at the discretion of the officer, can be arrested for Violation of Colorado Liquor Code or ordered-in to the Vice/Drug Control Bureau.
6. When a person is ordered-in for this violation, a detailed letter on Inter-Departmental Correspondence, DPD 200, must be sent to the Vice/Drug Control Bureau if the violator is a minor.

h. Establishing Age

1. A licensee or employees thereof are not required to obtain identification of age prior to the sale of alcoholic beverages, but do so at their own risk.
2. The Colorado Liquor Code rules and regulations state: Licensees may refuse to sell alcoholic beverages to any person unable to produce adequate, currently valid identification of age. The kind and type of identification deemed adequate under this section will be limited to the following:
 - a. Colorado Operators License
 - b. Identification Card issued in accordance with C.R.S. §42-2-302
 - c. An operators, chauffeurs license, or similar type drivers license containing a picture issued by another state
 - d. Identification card containing a picture issued by another state for the purpose of proof of age
 - e. Military identification cards
 - f. Passport
 - g. Alien Registration card
3. Licensees or employees thereof are authorized to confiscate suspected fraudulent identification and turn it over to police.
 - a. If a suspect is not being detained, the complainant will be advised to mail the fraudulent identification and a note explaining the circumstances to:

The Manager of Excise and Licenses,
Attn: Detectives
200 W. 14th Avenue
Denver, Colorado 80204
 - b. If a suspect is being held, an officer will be sent and appropriate action will be taken.

i. Bootlegging

1. The sale of alcoholic beverages during the hours not permitted by law and without the proper City and State license is illegal.
2. If officers have evidence to prove the illegal sale or purchase of liquor, they should identify the persons involved, seize the evidence and arrest or order-in the persons involved. A letter detailing the facts of the violation should accompany the General Occurrence (GO) report to the Vice/Drug Control Bureau.
3. Officers with information of possible illegal bootlegging activity who do not have sufficient evidence for an arrest should forward the information to the Vice/Drug Control Bureau.

(3) General Information and Procedures:

- a. All order-ins to the Vice/Drug Control Bureau should be made for 6:00 p.m., Tuesday through Saturday. A letter to the Vice/Drug Control Bureau detailing the incident must accompany the order-in.
- b. The only liquor violation for which a General Occurrence (GO) Report is required is Bootlegging. If there are any questions, contact the Vice/Drug Control Bureau or a supervisor.
- c. When the evidence is suspected liquor it should be placed in the Property Management Bureau as evidence.
 1. Ice should be immediately removed from drinks to be held as evidence.
 2. Whenever possible leave drinks in their original containers. If they must be removed from the original containers, such as when in paper cups, place the paper cup in as evidence with the drink.

3. The Property Management Bureau has parafilm to seal open bottles and glasses. Stretch parafilm over the opening and seal with tape. Initial this seal and seal in plastic bag. The custodian on duty will give directions in this procedure.]
- d. Establishments licensed for consumption on premises require the observation of an illegal consumption for a liquor violation. Therefore, do not arrest if the person merely has liquor in his/her possession.]
- e. No police officer, including vice officers, have the authority to order the closing of any liquor licensed outlet. An exception to this rule are outlets ordered closed by the Director of Excise and Licenses.
- f. It is only a violation of the Colorado Liquor Code to actually serve and consume an alcoholic beverage after serving hours. This does not give any officer, including a Vice/Drug Control officer, the authority to remove patrons from liquor outlets after legal serving hours.
- g. Reports or information received by any officer where action cannot be taken because of lack of evidence or other reason, will be reported to the Vice/Drug Control Bureau by letter for further investigation.

304.03 Gambling

- (1) Due to the close relationship between professional gambling and other organized crime, the Denver Police Department will enforce city ordinances and state statutes in accordance with the legislative declaration contained in Colorado Revised Statutes (C.R.S.) §18-10-101, which reads in part: "to restrain all persons from seeking profit from gambling activities in this state; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals in sport and social pastimes which are not for profit, do not affect the public, and do not breach the peace."]
- (2) Colorado Revised Statutes (C.R.S.), and Colorado Beer and Liquor Codes. See C.R.S §18-10-102 for all definitions related to gambling.]
 - a. "Gambling" is defined under Colorado Law as follows: Risking any money, credit, deposit, or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking the risk has no control.
 1. Exceptions include: Bona fide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries; or
 2. Any game, wager, or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly in professional gambling.
 - b. "Professional Gambling" is defined as Aiding or inducing another to engage in gambling, with the intent to derive a profit there from, or participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one or more of the other participants.
 1. It often requires an undercover officer in the game to prove the elements outlined in professional gambling. Any officer with information or knowledge of professional gambling operations, short of that necessary for arrests, should contact the Vice/Drug Control Bureau which will lend the assistance necessary to further the investigation.
 - c. C.R.S. §18-10-103 through §18-10-107 makes it illegal to engage in professional gambling, possess gambling devices or records, transmit gambling information, or to keep a gambling premises (see these statutes for exact wording.)
- (3) Denver Revised Municipal Ordinances (D.R.M.C.)]
 - a. D.R.M.C. 39-22(b) states, "It will be unlawful for any person to participate in gambling, including social gambling, which is incidental to a bona fide social relationship, within any city park."

- b. D.R.M.C. 38-146 (a) states, "It will be unlawful for any person to participate in gambling, including social gambling which is incidental to a bonafide social relationship, on any public street or way."

(4) Arrests made for state statute violations

- a. Call for assistance from the Vice/Drug Control Bureau which will respond when available.
- b. Take custody of and mark all evidence, note who had custody of the evidence when seized, where seized, etc., and place in the Property Management Bureau.
- c. Call the Crime Laboratory to take photographs of the evidence at the crime scene, if appropriate.
- d. Make a General Occurrence (GO), DPD 250, detailing the offense and write a letter to the Vice/Drug Control Bureau outlining the details of the offense which may not be included in the General Occurrence (GO) Report, but may be helpful to the filing detectives. Include copies of arrest slips, custodian invoice numbers, etc. It is imperative that the detective assigned the case be given the most complete information possible.
- e. The suspect will be processed and jailed for investigation, specifying the state statute which has been violated.

(5) Arrests made for municipal ordinance violations

- a. Officers observing such gambling violations will, at their discretion, charge all the parties involved in the gambling with D.R.M.C. 39-22(b), Gambling in Parks, or 38-146(a), Gambling.
- b. Evidence, such as money, cards, etc. will be placed in the Property Management Bureau.
- c. Violators will be ordered-in or jailed at the officer's discretion.
- d. For assistance in enforcing these ordinances, contact the Vice/Drug Control Bureau or a supervisor.

(6) Procedures for violations of the Colorado Beer Code and the Colorado Liquor Code

- a. Contact the Vice/Drug Control Bureau for assistance.
- b. If unable to contact the Vice/Drug Control Bureau, follow the below procedures:
 - 1. Order-in all players to the Vice/Drug Control Bureau for 6:00 p.m., Tuesday through Saturday.
 - 2. Officers involved should make written statements and forward them with the order-ins to the Vice/Drug Control Bureau.
 - 3. Determine the identity of the manager(s) or person(s) in charge of the licensed establishment and order them in for the same time as the players.
 - 4. Do not make a General Occurrence (GO) report. If one is necessary, it will be made by Vice/Drug Control Bureau personnel.

(7) Gambling confidence games, such as Three Card Monte, Three Card Molly, the Shell Game, the Figure Eight Chain Game, or any other gambling confidence game where the participant has absolutely no chance of winning are not covered by state or municipal gambling laws. These games are prohibited by state and municipal laws pertaining to robbery and theft and are investigated by the Vice Section.

- a. When a person loses money or any thing of value in a gambling confidence game, the following procedure applies:
 - 1. If the suspects are present:
 - a. If adult suspects are present, they will be arrested. The charge will be Theft (Gambling). They will be processed according to the theft offense bonding schedule.
 - b. Juvenile suspects present will be processed according to OMS 405.00, Detention Procedures, or OMS 407.00, Juvenile Order-Ins.

- c. A General Occurrence (GO) Report will be made which includes positive identification of the suspect(s) and a formal statement by the victim.
 - d. DO NOT charge with Petty Theft, 38-51(8). This is a city ordinance and a misdemeanor. Theft (Gambling) may be a misdemeanor or felony, depending on the value of the property taken by the suspect.
- 2. If the suspects are not present:
 - a. Complete a General Occurrence (GO) Report titled Theft (Gambling).
 - b. Obtain a formal statement from the victim.
 - c. Both will be forwarded to the Vice/Drug Control Bureau for follow-up investigation.
- 3. Money, cards, and any other evidence seized will be placed in the Property Management Bureau.
- b. If, during the gambling incident, money or a thing of value is taken from the victim, the Vice/Drug Control Bureau will investigate. The following procedure applies:
 - 1. If the money or thing of value was taken by means of force, threats or intimidation, a General Occurrence (GO) Report will be made titled Robbery (Gambling). If the suspects are present, they will be jailed for Investigation Robbery (Gambling).
 - 2. If the money or thing of value was taken by means other than force, threats or intimidation, a General Occurrence (GO) Report will be made titled Theft from Person (Gambling). If the suspect(s) are present, they will be jailed for Investigation of Theft from Person (Gambling).
- c. Victims of Confidence Games are often reluctant to admit involvement in actually playing the game as they feel they are part of the "crime". They are, however, victims rather than co-conspirators because they had no chance of winning.
 - 1. When the victim admits to playing the game, charge the suspects with Theft (Gambling).
 - 2. If the victim denies playing the game, the charge is Theft From Person.

304.04 Pornography

- (1) Legislation on and definitions of pornography change rapidly across the nation. Therefore, any officer who suspects the illegal sale, possession or production of pornography should advise the Vice/Drug Control Bureau which will act on the information in accordance with current legislation and inform the reporting officer of the action taken.
- (2) If an officer receives a complaint on pornographic literature, or sale of pornographic literature, they should refer the party to the Vice/Drug Control Bureau.

304.05 Bottomless and Topless Entertainers

- (1) The law most applicable to violations by topless and bottomless dancers is defined under public indecency. If an officer observes any violation of this section of the Denver Revised Municipal Code (D.R.M.C.) occurring in a licensed liquor establishment or any establishment licensed to do business by the City and County of Denver and/or State of Colorado, an attempt should be made to contact a Vice/Drug Control Bureau officer. If none is available, the incident should be reported to the Vice/Drug Control Bureau on Inter-Departmental Correspondence, DPD 200. Assigned personnel will then take the appropriate action against the licensee.
- (2) D.R.M.C. Section 38-157 makes the performance of an act of public indecency illegal. The definition of an act of public indecency is found under Section 38-156 of the D.R.M.C.
- (3) A recent court decision, pointed out that the mere charge of public indecency was vague and did not tell the person charged what they did that violated the ordinance. Therefore, it is necessary when filling out the General Sessions Summons and Complaint to do it as follows: "38-157 Public Indecency as defined by Section 38-156."

304.06 Prostitution or Procuring

(1) Definitions:

- a. Prostitution: Any person, either male or female, who performs offers, or agrees to perform any act of sexual intercourse, or any act of deviate sexual intercourse, with any person not the spouse of such person, in exchange for money or other thing of value, commits prostitution.
- b. Deviate sexual intercourse: Any act of sexual gratification between human beings who are not husband and wife, involving contact of the genital organ of one and the mouth or anus of the other.
- c. Patronizing a prostitute 38-158(7): It will be unlawful for any person to engage in or offer or agree to engage in an act of sexual intercourse or deviate sexual conduct with a prostitute or to enter or remain in a place of prostitution with the intent to engage in an act of prostitution or deviate sexual conduct.

(2) Procedures for Uniform Personnel

- a. Uniform personnel may make stops and arrests for prostitution. Officers should use a great deal of discretion and follow the guidelines herein.
- b. Numerous court cases have spelled out guidelines for an officer to use to make the determination an act of prostitution is about to be committed. They are:
 - 1. A male, female or female impersonator known to the officer to have been previously arrested for soliciting for the purpose of prostitution or prostitution: strolling in an area known for a high incidence of prostitution; and contacting numerous parties.
- c. When the above facts are known to the uniform officer and he observes the suspect party picked-up, he should, if possible, remain undetected and allow the parties time to make a prostitution "deal". Remember that prostitution requires only the offer and/or agreement to commit an act of prostitution. Once the officer feels there is an agreement between the parties, he should stop and immediately contact the parties. The parties should be stopped prior to entering a private residence such as an apartment or house.
- d. Once contacted, the parties should be advised of their rights and the officer should advise them of the suspicions. If either party is willing to give a formal written statement which contains the sexual act offered and/or agreed upon, and the price, this constitutes grounds for arrest.
- e. The patron and prostitute should be charged directly on a General Session Summons and Complaint with the proper city ordinances. The arresting officer, with supervisory approval, has the discretion to jail or order-in the parties involved.
 - 1. The party who "solicited for prostitution" should be charged with 38-158(1).
 - 2. The prostitute should be charged with "prostitution", Section 38-158(7) and may also be charged with "soliciting for prostitution", Section 38-158(1).
 - 3. The party who patronized a prostitute may be charged with "patronizing a prostitute" 38-158(7).
- f. Although co-defendants cannot be compelled to testify against each other, arresting officers will list the patron as a witness on the back of the prostitute's arrest slip and list the prostitute as a witness on the back of the patron's arrest slip.
- g. The following paperwork will be sent to the Vice/Drug Control Bureau:
 - 1. Copies of the front and back of the City Attorney's copy of the General Sessions Summons and Complaint
 - 2. All statements and advisement forms
 - 3. A letter from the arresting officer detailing the incident
- h. The arresting officer's report and original statement will be kept in the Vice/Drug Control Bureau files and will be available to the arresting officer for court.
- i. Only Vice Bureau officers may issue a Health Order In to a person arrested for prostitution.
- j. A general Vice Bureau car should be requested, if available, for all prostitution arrests.

(3) Prostitution Area Restriction Guidelines

- a. Persons who are subjects of area restrictions will be entered into the CCIC system by the Denver County Court. The Denver County Court Warrants Division will maintain these records and provide status verification of all area restriction files.
- b. Officers who observed an individual or suspect who may be in violation of a prostitution area restriction, or are in contact with a subject and receive a CCIC hit for a prostitution area restriction, must verify the status of the restriction with NCIC personnel.
- c. If the restriction is valid, and the subject is physically located within the area of restriction without legal justification, the officer shall arrest and charge the individual with "Violation of Court Order", Section 38-43. [Legal justification may include, but are not limited to, lawful employment, hospital or doctor visits, treatment center appointments or a written exemption issued by the court. If an exemption is granted by the court, the individual must have the court-ordered pass in their possession. Officers should exhaust all efforts to verify the validity of an individual's claim of a legal justification or exemption. If reasonable doubt exists about the individuals' claim, the subject will be detained. Statements made by the subject regarding these claims will be included in the probable cause statement].
- d. Following an arrest for an area restriction, the officer will transport the subject to the Identification Section at Police Headquarters. The arresting officer will obtain a computer generated copy of the area restriction from Identification Section personnel.
- e. The arresting officer will complete a General Sessions Summons and Complaint. In the "other violations" section, enter DRMC 38-43; Violation of Court Order, Prostitution Area Restriction. The probable cause section of the GSS&C should include confirmation of the area the court restricted, the exact location of the suspect when contacted and the arresting officer's observations of the suspect's actions.
- f. If the suspect is in violation of another law, (Denver Revised Municipal Code or State Statute), normally charged on a GSS&C, the officer may add those charges on the same GSS&C.
- g. The arresting officer shall make a photocopy of the GSS&C and computer generated copy of the area restriction, and then forwards these copies to the Vice Bureau Sergeant. Attach the original area restriction printout to the City Attorney's copy of the original GSS&C. The suspect will then be jailed with the original GSS&C.

(4) Health Order-In (HOI) Arrests

- a. Only Vice Bureau officers may issue a Health Order In, DPD 190, to a person arrested for prostitution. All other officers are authorized to arrest individuals that have failed to appear for a Health Order In. A list of those individuals that have failed to appear for a HOI is maintained by the Vice Bureau.
- b. Officers who contact a person that appears on the HOI list should attempt to contact a general Vice officer for verification of that person's current status. If unable to locate a general Vice officer, call the Vice Bureau at 720-913-6060 and request a manual search of the Health Order In records for verification. In the event that verification cannot be established, release the person and document the contact on an Inter-Departmental Correspondence, DPD 200. Prior to the end of your assigned shift send the form through Inter-Departmental mail to the Vice Sergeant. **DO NOT ARREST AN INDIVIDUAL SOELY ON THE BASIS OF THEIR NAME APPEARING ON THE HOI LIST. CONFIRMATION MUST BE OBTAINED FROM THE VICE BUREAU PRIOR TO ANY ARREST.**
- c. Upon verification of the person's current status on the HOI list, the prisoner is to be transported to Police Headquarters for processing. After securing the prisoner, respond to the Vice Bureau and ask a receptionist or Vice detective to retrieve the original #1 and #2 copies of the Health Order In. After receiving these documents, make photocopies of both onto one sheet and attach the photocopy to the City Attorney's copy of the GSS&C. The GSS&C will be completed as follows:

Location of General Occurrence (GO)	605 Bannock Street
Date & Time of General Occurrence (GO)	Refer to the appearance date listed on the original HOI, and the time as 1600 hours.
Violation	Charge the person with Refusal to Submit to a Health Exam, Section 24-132(d)
Complainant	This line should list the Vice officer who served the Health Order In
Officer	Name of the arresting officer

- d. The officer will complete all other necessary and relevant information on the GSS&C, and include in the probable cause section the date that the original HOI was issued, the name of the detective that issued the original HOI and the appearance date that the person failed to appear.
- e. After completing the face of the GSS&C, complete the reverse section including the following information:
 - Victim's name** Sarah Jones, 605 Bannock Street, Denver, CO 303-436-5422
 - Witness** Officer that issued/served the original HOI to the suspect
 - Witness** Officer that arrested the suspect for Refusal to Submit to a Health Exam
- f. Upon completion of the GSS&C, jail the suspect and attach the original copies of the Health Order In to a photocopy of the GSS&C, then mail these documents through Inter-Departmental mail to the Vice Sergeant.
- g. If the suspect is in violation of another ordinance, the officer will complete a second GSS&C and probable cause statement listing the second charge.

304.07 Use of Military Personnel in Investigations

- (1) The use of military personnel for any type of investigation is prohibited.
- (2) It is against military regulations to enlist the aid of military personnel in investigations conducted by civil police.

304.08 Anonymous Complaints

- (1) All personnel are directed to be very circumspect about investigating anonymous complaints.
- (2) If the complaint concerns an individual or a location which can be investigated by surveillance, then we can accept it and act.
- (3) If the complaint is an accusation from one person against another, we will not investigate the matter in any way, unless the complainant identifies themselves.
- (4) The complainant must also agree to either appear as a witness or sign a formal complaint against the accused, if apprehended.

304.09 Hotel Checks

- (1) Violations by the operators of hotels must be recognized, in addition to violations by the occupants.
- (2) A proper registration record must be maintained by the operator. By city ordinance, this record must be available for inspection by police officers.
- (3) Whenever an arrest is made that involves hotel registrations, the hotel register is to be confiscated, identified, and properly tagged as evidence at the time of the arrest and incidental to the arrest or order-in, whichever the case may be.
- (4) Copies of the front and back of the City Attorney's copy of the GSS&C, the statements and advisement forms and a letter detailing the incident should be sent to the Vice/Drug Control Bureau. Vice officers will type a Vice Case Summary on the arrest. The statements will be placed with the summary in the Vice Bureau files. The report and original statement will be available to the arresting officer for court.

304.10 Drug Related Currency Seizure

- (1) Money recovered in a drug related City Ordinance violation or State misdemeanor case and/or arrest will not be seized as evidence nor placed into the Property Management Bureau as evidence.]
- (2) Under Colorado law (C.R.S. §16-13-303), drug-related currency under \$1,000 will not be held for seizure without extenuating circumstances which could include but are not limited to the following:
 - a. Currency recovered in proximity to narcotics found to be packaged for distribution or sale.
 - b. Any other articulable evidence that would tend to show a link to the currency and narcotic distribution or sale.
- (3) A detective or supervisor assigned to the Vice/Drug Control Bureau must approve the submission of any currency to be placed in the Property Management Bureau as evidence in a felony drug-related case and/or arrest. Approval may also be obtained from any other supervisor authorized to do so by a command officer from the Vice/Drug Control Bureau.]
 - a. The Vice/Drug control Bureau will provide the Property Management Bureau with a list of all Supervisors not assigned to the Vice/Drug control Bureau who are authorized to approve the submission of currency to be held as evidence in a drug case.]
 - b. Members of the Vice/Drug Control Bureau can be contacted twenty-four (24) hours per day, seven (7) days per week. During normal business hours, they can be contacted at 720-913-6060. During non business hours, they may be contacted through Denver 911.]
- (4) If currency that has not been approved for submission to the Property Management Bureau as evidence needs to be placed into Property Management Bureau, it will be entered as personal property.]
- (5) Drug-Related Currency Evidence Form
 - a. When any amount of drug-related currency is approved to be held as evidence in the Property Management Bureau, the submitting officer will complete the Drug Related Currency Evidence Form, and a Property Invoice and Receipt, DPD 122.]
 - b. The Drug-Related Currency Evidence form must include the name and badge number of the Vice/Drug Control Bureau detective or supervisor approving the currency seizure and the Property Invoice and Receipt, DPD 122.
 - c. The Property Management Bureau will attach the Drug-Related Currency Evidence Form to a copy of the Property Invoice and Receipt, DPD 122, and forward it to the Vice/Drug Control Bureau.]
- (6) Vice/Drug Control Bureau Responsibilities
 - a. The Vice/Drug Control Bureau will log all Drug-Related Currency Evidence forms immediately upon receipt from the Property Management Bureau.]
 - b. The member of the Vice/Drug Control Bureau who approved the currency seizure or their supervisor will return a copy of the Drug-Related Currency Evidence Form to the Property Management Bureau with the name and the badge number of the investigator assigned to the case.]
 1. A copy of this form will be returned to the Property Management Bureau within three (3) business days.]
 2. The original form will be retained in the Vice/Drug Control Bureau case files.
 - c. After consulting the appropriate prosecutor, the Vice/Drug control Bureau investigator assigned to the investigation will notify the Property Management Bureau within thirty (30) days if it will be necessary to continue the evidence hold.]
 1. If a hold is no longer necessary, the assigned investigator will change the status to Personal Property and send a card to the person from whom the currency was seized, notifying them that they may claim their currency at the Denver Police Department Property Management Bureau.]

304.11 Prostitution Offenses Relating to Sex Trafficking and Exploitation (Revised 03/2013)

- (1) Policy
 - a. As specified in the Victims of Trafficking and Violent Protection Act of 2000, the United States Congress defines sex trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
 - b. The Denver Police Department recognizes that victims of human sex trafficking are being forced into involuntary servitude and as such are stripped of their basic human rights under the 13th Amendment of the United States Constitution. Therefore, the Denver Police Department is committed to investigating all instances of suspected human sex trafficking in the City and County of Denver.
- (2) Procedures for Uniform Personnel
 - a. Officers shall immediately notify the Vice Unit supervisor through a Denver 911 supervisor (720-913-2012) for all investigations involving child prostitution and/or sex trafficking.
 - b. Vice personnel will respond to the scene of investigations involving child prostitution and/or sex trafficking. If Vice personnel are unavailable to respond, the Vice supervisor or detective will provide officers with instruction on how to proceed.
 - c. All cases involving prostitution by a child, prostitution of a child, domestic trafficking of women and children and sexual exploitation for prostitution will be handled in similar fashion:
 - 1. Officers should separate all involved parties.
 - 2. In suspected human trafficking cases, women and juveniles should be treated as victims.
 - 3. Officers should consider the location of the contact a potential crime scene and secure it pending further instruction from the assigned investigator. Locations may include but are not limited to: vehicles, hotel rooms, houses, and/or street contacts.
 - 4. Vice Unit personnel should be contacted prior to: interviews with suspects and victims, victim or child protective custody decisions, placement of juveniles, parental notification and charging of suspects.
- (3) Vice Personnel responding to a child prostitution and/or sex trafficking crime scene will assess the situation and determine how to proceed with the following:
 - a. Protective Custody reference the victim or child
 - b. Parental or guardian notification
 - c. Juvenile custody or placement
 - d. All needs concerning search warrants
 - e. Evidence collection
 - f. Suspect and/or juvenile interviews
 - g. Suspect and/or juvenile charges
 - h. Scene documentation
 - i. Victim assistance notification
 - j. All other criminal investigative matters applicable to the offense (s) as well as coordination with other investigative units and/or agencies.

305.00 – PROPERTY RECOVERY UNIT

305.01 Procedures

- (1) The primary function of the investigators assigned to the Pawnshop Unit is to call on the pawnshops and second-hand stores in Denver and examine the daily record of loans and purchases.
- (2) In an effort to return the stolen property to the rightful owners, the pawnshop and second-hand store operators are required to maintain an accurate record of every transaction. This will include any item they purchase or any item for which they loan money.
- (3) A record of each pawnshop's transaction(s) are kept by the Pawnshop Unit in the Records Section.
 - a. Periodic spot checks shall be made, comparing the pawnshop or second-hand store transaction slips against the property to assure accuracy and completeness of the -receipts.
 - b. When stolen property has been located in a pawnshop or second-hand store, the Pawnshop Unit shall place a police hold on the property. A check will then be made to verify the property as stolen.
 1. Out-of-state and county stolen property will be verified by the Pawnshop Unit. Impounding and returning of property to out-of-state and county agencies shall be the responsibility of the Pawnshop Unit. Property shall be sent only to law enforcement agencies.
 2. Stolen property recovered from Denver County cases shall be verified by the detective assigned to the case, or another officer appointed by their supervisory officer to handle the property.
 3. The responsibility to continue the police hold, cancel the police hold, impounding and/or returning the property shall rest with the assigned detective or appointed officer.

305.02 Placing Hold Orders, Seizing & Releasing Property from Pawnshops & Secondhand Stores (REV. 03-2013)

- (1) No "hold" will be placed on any property located in a pawnshop, secondhand store, or other such outlet without making immediate notification to the Pawnshop Records Bureau. Notification shall be made on the Pawnshop Detail, Request for Property Hold/Pickup, DPD 739..
 - a. The notification must include:
 1. DPD case number.
 2. Name and badge number of officer making request.
 3. Business name and address.
 4. Detailed description of property, including serial number(s) if available.
 5. Name and DOB of the individual pawning the items.
 6. Pawn ticket or transaction number.
 7. Clarification of whether the original pawn ticket will be needed.
 - b. Any "hold" will automatically terminate after thirty (30) days, unless the hold is renewed for another thirty (30) days and the Pawnshop Unit is notified of the renewal.
- (2) No property will be seized from these outlets without a valid search warrant. The owner of the establishment may, however, voluntarily waive his/her right to have a warrant obtained.
 - a. The Pawnshop Unit must be notified of any property seized from such establishments by warrant or waiver. This notification will include a detailed description of the property and its location.
 - b. All seized property must be held for a minimum of twenty (20) days. It will not be released to any owner or claimant.
- (3) The person in possession of the seized property must be advised that he/she has twenty (20) days to file a motion for a hearing to determine ownership of the seized property. The person may also waive the right to such hearing. If no hearing is held, the police may dispose of the property after twenty (20) days.
- (4) Preferably the Pawnshop Unit should handle all such Holds, Seizures, and Disposals.

REV. 3-06

- a. The Pawnshop Unit will maintain a file of all property on hold, seized, and released pursuant to these procedures.
 - b. The Pawnshop Unit will use a Property Recovery Waiver, DPD 187, for the seizure of property from pawnshops, secondhand stores, and such establishments.
 - c. The form will advise the property owner of certain rights regarding the property to be seized and provide for a waiver of those rights.
 - d. The form also provides for a copy of a Motion for Return of Property to be served on the supervisor of the Pawnshop Unit.
- (5) Officers will not place holds, etc., on property located in shops outside of the City and County of Denver without first going through the agency of the proper jurisdiction. Likewise, agencies outside of Denver will be notified that they must first contact the Pawnshop Unit prior to placing holds on property in Denver shops.

306.00 - SUPERVISOR'S CASE PROGRESS RECORD**306.01 Procedures - Case Progress Record**

- (1) A case progress record shall be maintained by command officers assigned to the Investigative Division. Entries will be made daily of every person jailed and investigated by this division.
- (2) Daily checks will be made by command officers to ensure that incarcerated individuals who may be eligible for release are processed as expediently as possible. Irrespective of weekends, holidays, days off, etc.

307.00 - CONFIDENTIAL INFORMANTS

(1) Policy:

- a. Individuals from all segments of society frequently provide valuable information that assists law enforcement officers in the performance of their duties. The full and proper use of confidential informants as sources of information is a critical component in effective criminal intelligence gathering, case development, suspect apprehension, and successful prosecution. Officers are encouraged to develop informants within the following guidelines.
- b. The safety of officers along with protecting the integrity and public image of the Denver Police Department are of paramount importance. The use of informants can be a hazardous endeavor and great care should be exercised when developing and using informants. All officers must ensure that the potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from the use of the informant. In addition, officers must employ proven investigative strategies to corroborate information provided by informants (i.e. surveillance, controlled buys, analysis of background, and intelligence information).
- c. All Denver Police Department confidential informant files and records are the property of the Chief of Police and will be permanently retained in a secure manner by the Division Chief of Criminal Investigations. They may not be viewed by anyone except with permission from the Chief of Police.
- d. Should an exigent circumstance arise that necessitates that the identity of a cooperating source or sources be kept confidential, the Chief of Police may select a designee to review, approve, manage, and maintain the confidential informant(s) file(s). In those instances, the designee identified by the Chief of Police will be tasked with complying with all aspects of OMS 307.00, Confidential Informants. The designee will be required to provide written documentation outlining the need for the invocation of this portion of OMS 307.00.

307.01 Informant Categories and Classification

(1) All Denver Police Department informants are categorized as one of the following:

- a. **Participating Informant:** - Informant acting under the specific direction of a Primary Control Officer with command approval.
- b. **Non-Participating Informant:** - Informant whose cooperation may be sporadic or irregular and is accomplished independent of the officer's guidance, (e.g. hotel clerk, airline receptionist, security guard, etc.).

(2) Classification of Denver Police Department Informants:

- a. **Class 1** - Persons who have a serious criminal record, (i.e. felony offenses which include, but are not limited to: robbery, sexual assault, aggravated assault, assault on a peace officer, etc.), or have a known propensity for violence.
 1. Before using a Class 1 informant, the Primary Control Officer must complete the informant activation procedure and
 2. Obtain the assistance of the appropriate investigative bureau/unit. Note: For purposes of this policy, the appropriate investigative bureau/unit shall be defined as the investigative unit that will prepare a criminal case filing to be presented to the Denver District Attorney's Office or any other prosecutor having jurisdiction.
 3. The Primary Control Officer must coordinate all activity with the investigator who will prepare a criminal case filing for presentation to a prosecutor. In doing so, the investigator will ensure that the investigation is conducted in accordance with applicable laws, policies, and sound investigative techniques. The investigator will also ensure that all evidence needed for case acceptance is properly collected.
- b. **Class 2** - Persons who do not have a criminal record or known propensity for violence, or persons with criminal records for offenses other than those described above in regards to Class 1 Participating Informants (i.e. burglary, theft, drug offenses, etc.), or persons with a reputation for involvement/association with the criminal element.
 1. Participating

- [a. Prior to utilizing a Participating Class 2 informant, the Primary Control Officer must complete the informant activation procedure and obtain the assistance of the appropriate investigative bureau/unit.
- [b. The Primary Control Officer must coordinate all activity with the investigator who will prepare a criminal case filing for presentation to a prosecutor. In doing so, the investigator will ensure that the investigation is conducted in accordance with applicable laws, policies, and sound investigative techniques. The investigator will also ensure that all evidence needed for case acceptance is properly collected.
- [2. Non-Participating: It is not necessary to follow informant activation procedures when using non-participating Class 2 informants, unless the informant receives payment or official consideration.

307.02 Informant Registration

- [(1) Officers shall register participating informants through the chain of command and submit documentation to the Division Chief of Criminal Investigations prior to utilizing informants or any information received from the informant.
- (2) If an exigent circumstance exists, such as the need to prevent a serious crime, and there is not sufficient time to register an informant, officers shall obtain the assistance of their immediate supervisor for guidance prior to utilizing the informant.
 - a. The immediate supervisor will determine the actions to be taken.
 - [b. The supervisor shall coordinate efforts with the appropriate investigative bureau/unit and with the on-call Deputy District Attorney until such time when the informant can be properly registered.
 - c. Prior to the conclusion of that tour of duty, the supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. For purposes of confidentiality, correspondence will be forwarded to the intended recipient in sealed envelopes.
- (3) An officer who registers an informant shall be the Primary Control Officer for that informant. The Primary Control Officer's immediate supervisor shall be the Informant Supervisor. The Informant Supervisor must hold the rank of Sergeant or above and may, when circumstances require, perform the function of Primary Control Officer. There shall be only one (1) Primary Control Officer, one (1) Secondary Control Officer, and one (1) Informant Supervisor for each Denver Police Department informant. The Primary Control Officer shall be responsible for the supervision of the informant. The informant supervisor may authorize the Secondary Control Officer to supervise the informant in the absence of the Primary Control Officer. The Primary Control Officer and the Secondary Control Officer must be assigned to the same bureau/district.
- (4) Officers shall inform their supervisor of any information pertaining to criminal activity received from an informant that is outside the realm of the Primary Control Officer's investigative responsibility. This information shall be documented by the Primary Control Officer, using an Inter-Departmental Correspondence, DPD 200, and forwarded to the appropriate investigative bureau/unit prior to the end of their shift. The appropriate investigative bureau/unit is defined as the bureau/unit which would be tasked with investigating and handling the case filing on the criminal activity received from the informant. (e.g. Robberies information to Robbery, burglary information to district investigative unit, etc.)
- (5) All informants shall have a Registration Packet on file in the Office of the Division Chief of Criminal Investigations. The informant registration process/packet shall include the following items:
 - a. Informant Information Package, DPD 563.

- b. Confidential Informant Personal History, DPD 561
The Primary Control Officer will debrief the informant, with the approval of his/her immediate supervisor, and complete this form. This supervisor shall be listed as the Informant Supervisor. The applicant will sign the card with both his/her true name signature and code name signature. The Primary Control Officer shall positively identify the applicant before submitting the packet for review and approval.
 - c. Confidential Informant Liability/Waiver/ Conduct Agreement, DPD 564
Completed by the Primary Control Officer with the approval of the Informant Supervisor.
 - d. Informant Activation Report, DPD 560
 - e. Defendant Cooperation Agreement, DPD 566
Applicable only in those cases where consideration for a pending criminal or traffic matter is requested in exchange for assistance to law enforcement authorities.
 - f. Confidential Source Information File (Payment Record), DPD 336
 - 1. This card shall be maintained by the Commanding Officer (or his/her designee) of the bureau/unit which dispenses funds for informant payments, (e.g. Vice/Drug Control Bureau, Intelligence Bureau, Front Range Task Force, Office of the Division Chief of Criminal Investigations, Metro Gang Task Force, etc.).
 - 2. The cards will be maintained in a secure location at all times.
 - 3. Completed cards shall be retained in the Office of the Division Chief of Criminal Investigations as part of the informant's permanent record.
 - 4. The applicant will sign the card with his/her code name signature. The signature must be legible.
 - 5. The Primary Control Officer's supervisor, (Informant Supervisor), shall compare the code name signature on the Confidential Source Information File (Payment Record), DPD 336, with the code name signature on the payment voucher prior to approving the payment voucher. In those instances where the voucher signature does not match the signature maintained on file, it will be the responsibility of the Informant Supervisor to investigate the discrepancy prior to approving the voucher.
 - g. Confidential Source Information File (Identity) (blue card), DPD 336A. This card will be completed and submitted with the Registration Packet and will be maintained in the Office of the Division Chief of Criminal Investigations.
 - h. Criminal history (NCIC criminal history and DPD record)
 - i. Fingerprint Cards
 - 1. In those instances where the informant has a DPD record and fingerprints on file, the Primary Control Officer shall make a copy of the fingerprint card and include it in the informant information packet.
 - 2. In those cases where the applicant does not possess a criminal record, two (2) pink "10-1" full fingerprint cards will be obtained. The ID Bureau will forward one (1) of the cards to Federal Bureau of Investigation for review. The other card will be included in the application packet.
 - j. Recent DPD mug shot or similar quality photograph
 - k. Warrants Check
 - l. A copy of the computer printout generated while obtaining a "clearance" for "wants/warrants" will be submitted for review. Applicants will be required to clear all active warrants prior to approval for use.
 - m. Driver's License query
- (6) No part of the informant registration packet will be copied or duplicated for any purpose unless ordered by a court of record and approval is obtained from the Chief of Police.
- (7) The informant registration packet will be reviewed for completeness by the Informant Supervisor and upon approval forwarded through the Primary Control Officer's chain of command to the Bureau/District Commander to be reviewed for completeness and approval.

- (8) If the Registration Packet is approved, the Primary Control Officer will hand-carry the packet to the Office of the Division Chief of Criminal Investigations for review by the Division Chief or his/her designee.
- (9) If approved for use, all informants will be assigned a Confidential Source Code Number by the Division Chief of Criminal Investigations or his/her designee.
- (10) The Division Chief of Criminal Investigations will retain the completed registration packet.

307.03 Supervisor and Command Officer Responsibility for Informant Utilization

- (1) All supervisors and command officers shall ensure that:
 - a. The information in the Registration Packet as described in OMS 307.02 is complete and accurate, prior to authorizing the registration of an informant and forwarding it to their superiors, and;
 - b. The potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from using the informant, and;
 - c. Their subordinates are in compliance with all department rules, regulations, policies, and procedures related to the recruitment, registration, and use of informants and;
 - d. Their subordinates are fully and properly utilizing informants assigned to them, and;
 - e. Their subordinates obtain the assistance of the appropriate investigative bureau/unit prior to registering or utilizing a Class 1 or Class 2 Participating Informant.
- (2) In any case where a Participating Informant is to take part in the planning or commission of a criminal act, thereby requiring possible endorsement and disclosure as a witness, approval is required from the appropriate prosecutor and also through the divisional chain of command of the appropriate investigative unit/bureau.
 - a. Exceptions to this requirement include situations where the Participating Informant is making purchases of contraband including but not limited to drugs, counterfeit currency, forged documents, or stolen property at the direction of the Primary Control Officer and with the approval of the Informant Supervisor.
 - b. In instances where divisional command approval is not available, yet a determination has been made that it is in the public's interest to continue an investigation, a supervisor, with the concurrence of a command officer, may authorize the proposed actions of an informant.
 - 1. Prior to the onset of the proposed action, the supervisor shall also obtain preliminary approval from the "on-call" supervisor of the appropriate investigative bureau/unit and the "on-call" prosecutor.
 - 2. The authorizing supervisor shall closely monitor the activities and conduct of the informant.
 - 3. Prior to the end of that tour of duty, the authorizing supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. The required documentation will clearly set forth the exigent circumstances which required the investigation to continue, and the names of the command officer, investigative supervisor, and prosecutor who granted preliminary approval to continue the investigation.

307.04 Restricted-Use Informants

- (1) **Juveniles**
Officers shall not request or utilize a juvenile, (any person less than 18 years of age), as a Participating Informant unless:
 - a. Extraordinary circumstances exist, and
 - b. Active assistance is obtained from the appropriate investigative bureau/unit, and

- c. Written authorization is obtained via the Juvenile Informant Authorization Waiver, DPD 565, prior to utilization, from:
- d. The juvenile, *and*
- e. The juvenile's parent or legal guardian, *and*
- f. The Primary Control Officer's commander, through the chain of command.
- g. The Primary Control Officer's immediate supervisor shall serve as a witness to the parental consent and any arrangement agreed to by the juvenile and parent or legal guardian.

(2) **Violent Persons**

Persons with a known propensity towards violence or with a criminal history indicating violent behavior including but not limited to: robbery, aggravated assault, assault to a police officer, sexual assault, etc. shall not be utilized as informants unless:

- a. Extraordinary circumstances exist, *and*
- b. Guidance is obtained, prior to registration and utilization, from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, *and*
- c. Written authorization is obtained, prior to registration and utilization, from the commander of the appropriate investigative bureau/unit and the Primary Control Officer's commander through the chain of command.
 - 1. The original authorization letter shall be retained in the Confidential Informant's permanent file in the Office of the Division Chief of Criminal Investigations.

(3) **Active Felons**

Continued use of registered active informant who is known by the Primary Control Officer to have committed a felony; (other than making directed and supervised controlled buys of contraband) or who is arrested and charged with a felony is prohibited, unless:

- a. Extraordinary circumstances exist, *and*
- b. Prior to utilization, guidance is obtained from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, *and*
- c. Prior to utilization, written authorization is obtained from the Primary Control Officer's commander, through the chain of command and the commander of the appropriate investigative bureau/unit.
- d. The original authorization letter shall be retained in the Confidential Informant's permanent file in the Office of the Division Chief of Criminal Investigations.
- e. In those instances where exigent circumstances exist, particularly to facilitate the immediate continuation of an important and rapidly developing investigation, the on-scene supervisor, with the approval of a command officer, shall have the discretion to approve the continued use of such informant.
 - 1. The supervisor shall immediately inform the "on call" supervisor of the appropriate bureau/unit of the situation.
 - 2. When time and circumstances permit, the supervisor shall contact the "on-call" Deputy District Attorney for guidance.
 - 3. Prior to the conclusion of that tour of duty, the supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. For purposes of confidentiality, correspondence will be forwarded to the intended recipient in sealed envelopes.

(4) **Family Members**

Family members are defined as husband, wife, mother, father, child, brother, sister, grandparent, grandchild, domestic partner, or any person known to be related through blood or marriage.

- a. Officers are prohibited from registering, utilizing, or otherwise directing anyone known to be their blood relatives or family members as informants, unless:
 - 1. Extraordinary circumstances exist, *and*

2. The informant refuses to cooperate with any other officer, but their family member, and the information/cooperation offered is of great importance and cannot be obtained by any other means, **and**
 3. Prior to utilization, guidance is obtained from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, **and**
 4. Prior to utilization, written authorization is obtained from the Family Member Officer's Division Chief, through the chain of command and the commander of the appropriate investigative bureau/unit.
- b. The original authorization letter shall be retained in the informant's permanent record in the Office of the Division Chief of Criminal Investigations.
 - c. If approved, the immediate supervisor of any Officer utilizing a family member as an informant shall be designated as the Primary Control Officer, with the family member officer designated as the secondary control officer.
 1. The family member Officer shall immediately notify his/her supervisor of any planned contact with the informant and also of any developments or information received pertaining to criminal activity.
 2. The supervisor shall be present during all official contacts with the informant and shall continually keep their commander and also the commander of the appropriate investigative bureau/unit apprised of the situation.
 - d. At the first opportunity, the Control Officer's (immediate supervisor) will designate a replacement control officer not related to the involved officer or his/her family member. The supervisor shall make written notification of this action to the Division Chief of Criminal Investigations, the commanders of the affected officers, the commander of the appropriate investigative bureau/unit, and the affected officers of such changes.
 - e. Officers shall not participate in any police action taken as a direct result of assistance given by their family members.

(5) Fugitives

Officers shall not knowingly register or utilize an informant who is the subject of an active warrant. The officer's first obligation is to resolve the active warrant. All potential informants shall be checked for warrants as provided for in OMS 307.03(4)i. In cases where there is a warrant, non-violent crime, from another jurisdiction or state and the warrant is non extraditable, an officer shall contact the Denver District Attorney's Office and their commander. The circumstances of each case shall be reviewed and approval shall be either granted or denied by both the Denver District Attorney's Office and by their commanding officer.

(6) Suspects

Officers shall not knowingly register or utilize an informant who is the subject of an active criminal investigation.

- a. If assistance is required from an informant who is the subject of an active criminal investigation, the Primary Control Officer and his/her immediate supervisor will contact the assigned investigator and apprise him/her of the situation.
- b. The Primary Control Officer shall not discuss the ongoing criminal investigation with the informant. Officers shall not provide legal advice or counsel to any informant.
- c. This confidential informant policy does not preclude informants, who are cooperating for the purpose of gaining official consideration on pending criminal cases from being enrolled or utilized. Note: For purposes of this policy, "official consideration" shall refer to sentencing considerations and/or filing decisions for criminal charges to be filed by the Denver District Attorney's office or any other prosecutor with jurisdiction.

(7) Parole, Probation, and Corrections Clients

Parole, probation, or corrections clients may be registered and utilized as Participating Informants only with prior written authorization from the commander of the appropriate investigative bureau/unit who will then determine whether or not the Department of Corrections will be notified concerning this relationship.

307.05 Informant Status Review and Audits

- (1) Primary Control Officers shall conduct criminal history and warrant status checks of informants under their control every six (6) months.
- (2) Annual Review
 - a. The Division Chief of Criminal Investigations shall send an Informant Status Authorization, DPD 562, in a sealed envelope, to the Primary Control Officer of each registered informant no later than July 1st each year. Informants shall be identified only by their code number on this form.]
 - b. Primary Control Officers desiring to continue utilizing the informant in question shall complete the Informant Status Authorization, DPD 562, and forward the form, through the chain of command, to the Office of the Division Chief of Criminal Investigations, before August 1st each year. The form will become a part of the informant's permanent records. Each packet shall contain the following items related to the informant:]
 1. NCIC/CCIC criminal history]
 2. NCIC/CCIC/ DCIC warrants check]
 3. Recent photograph (if appearance of informant has changed)
 - c. Each level in the chain of command shall sign to authorize or deny the continued use of the informant on this form before forwarding to the next level. The Division Chief of Criminal Investigations shall have final approval authority.
- (3) The Division Chief of Criminal Investigations shall retain packets in the informant's permanent file.
- (4) All informants who have not been authorized for continued use by August 1st shall be de-activated by the Division Chief of Criminal Investigations.
 - a. The Division Chief of Criminal Investigations shall send written notice to the commander of the Primary Control Officer that an informant has been de-activated.]
 - b. A copy of the notice shall be retained in the informant's permanent record in the office of the Division Chief of Criminal Investigations.
 - c. Use of de-activated informants is prohibited.
- (5) The Division Chief of the Criminal Investigations Division or his/her designee shall thoroughly review all informant files, including payment records, and deliver a written report of the findings to the Chief of Police by September 1st each year.]
- (6) The Primary Control Officer shall notify the Informant Supervisor of every cash payment to an informant. The Informant Supervisor shall be present and interview the informant no less than every fifth (5th) cash payment to the informant. The Informant Supervisor shall also interview the Confidential Informant when any cash payment over five hundred dollars (\$500.00) is made. Each interview shall be documented on the Confidential Source Information File (Payment Record), DPD 336, by the supervisor.]

307.06 Deactivation/Decertification of Confidential Informants

- (1) Deactivation of Confidential Informants – The Primary Control Officer, who no longer wishes to utilize an informant, shall **deactivate** the informant and forward Informant Status Authorization, DPD 562, through the chain of command to the Division Chief of Criminal Investigations. This form shall be accompanied by the Confidential Source Information File (Identity), DPD 336A, and Confidential Source Information File (Payment Record), DPD 336.]

- (2) Decertification of Confidential Informants – Officers who have reason to believe that an informant may no longer be suitable for use due to a credibility concern, liability concern, inappropriate or criminal conduct on the part of the informant or where the informant may jeopardize the integrity of the Denver Police Department shall initiate the procedure to **decertify** the informant. At the first opportunity, prior to going off duty, the concerned officer shall also prepare an Inter-Departmental Correspondence, DPD 200, documenting all pertinent facts and circumstances supporting the request for decertification and attach the Confidential Source Information File (Payment Record), DPD 336 along with Informant Status Authorization, DPD 562. The documents will be hand carried through the chain of command to the Division Chief of Criminal Investigations. In the event the request for decertification is being made by other than the Primary Control Officer, the requesting officer's supervisor shall notify the Primary Control Officer's supervisor of the request. Pending resolution of the request, the informant shall not be utilized without approval of the Division Chief of Criminal Investigations.
- (3) The Division Chief of Criminal Investigations shall determine what action(s) shall be taken with regards to the informant and any investigation for which the informant may have been utilized.
- (4) Informants who are decertified shall be designated as a "prohibited use informant" by the Division Chief of Criminal Investigations.

307.07 Reactivation of Confidential Informants

- (1) Informants who have been deactivated/decertified by the Division Chief of Criminal Investigations may be utilized only under the following conditions:
 - a. The proposed new Primary Control Officer and his/her supervisor shall prepare an informant registration packet, as outlined in OMS 307.03. The supervisor will contact and seek input from the officer who applied for deactivation before forwarding the packet to the next level. An Inter-Departmental Correspondence, DPD 200, will be completed outlining the reason for re-instatement and document the previous Confidential Informants code number.
 - 1. In those instances where the officer who previously deactivated/decertified the informant objects to the use of the informant, the supervisor will direct the officer to document his/her concerns about the renewed use of the informant on an Inter-Departmental Correspondence, DPD 200. The letter will be sent, with the packet, through the chain of command to the Division Chief of Criminal Investigations.
 - 2. Approval to re-activate an informant, who was previously decertified for any alleged misconduct, must be obtained from the Denver District Attorney's office. The name of the approving prosecutor will also be documented in the letter described in part b., below.
 - b. The packet shall include an Inter-Departmental Correspondence, DPD 200, to the Division Chief of Criminal Investigations from the proposed new Primary Control Officer. The issues that resulted in the informant's deactivation/decertification should be clearly described along with the justification for reactivation of the informant.
- (2) The Division Chief of Criminal Investigations has the final approval authority, and may deny use or place restrictions on the use of the informant, including limiting the authorization for use to a "case-by-case" basis.

307.08 Meetings with Informants

- (1) Meetings with all informants must be authorized in advance by a supervisor.
- (2) A second officer shall witness all meetings with informants.
- (3) Whenever possible, all meetings with informants of the opposite sex should be held at public locations.
- (4) Any informant information received concerning felony criminal activity affecting another bureau or agency shall be documented on an Inter-Departmental Correspondence, DPD 200, before the end of shift. This information shall be forwarded to the informant supervisor and the affected bureau or agency.

307.09 Payments/Compensation

- (1) Payment amounts:
 - a. Primary Control Officers shall seek guidance from a supervisor of the investigative unit/bureau responsible to prepare of the criminal case filing when attempting to determine payment amounts.
 - b. Sergeants assigned to the investigative bureau tasked with the criminal case filing may approve expenditures of five hundred dollars (\$500.00) or less.
 - c. Command officers assigned to the investigative unit/bureau tasked with the criminal case filing may approve expenditures of one thousand dollars (\$1,000.00) or less.
 - d. The commanding officer of the appropriate investigative unit/bureau tasked with the criminal case filing may approve single expenditures in excess of one thousand dollars (\$1,000.00) with the approval of the Division Chief of Criminal Investigations.
 - e. The commanding officer of the appropriate investigative unit/bureau may approve supplemental informant payments from more than one monetary fund.
- (2) Payments to informants will be made by the Primary Control Officer or the Informant Supervisor. All informant payments shall be reviewed and authorized in advance by a supervisor, and witnessed by a second officer. Payments may be denied or modified by the reviewing supervisor.
- (3) Only official government funds may be used to pay an informant. Personal funds shall not be utilized for the procurement of evidence or information, to make controlled and/or undercover buys or for the purpose of paying informants.
- (4) All informant payments shall be documented on a Confidential Source Information File (Identity), DPD 336A, and also on an Expenditure Record (Cash Voucher), DPD 725. The expenditure record will contain an itemized and detailed account for the funds expended.
 - a. A photocopy of the Confidential Source Information File (Payment Record), DPD 336, detailing the assistance provided by the informant, shall be attached to the Expenditure Record (Cash Voucher), DPD 725.
 - b. The informant will be instructed to enter, in their handwriting, acknowledgement of the amount of money received and the date received on the Confidential Source Information File (Payment Record), DPD 336, and Expenditure Record, DPD 725, along with their code name signature.
 - c. Any additional financial/material benefit, including housing, provided to the informant shall be documented on the Confidential Source Information File (Payment Record), DPD 336.
 - d. All payments to an informant shall be authorized in writing and in advance of the payment being made. As follows:
 1. Payments of less than five hundred dollars (\$500.00) shall be approved by the Informant Supervisor.
 2. Payments of five hundred dollars (\$500.00) to one thousand hundred dollars (\$1,000.00) shall be approved by Command officers assigned to the investigative unit/bureau tasked with the criminal case filing.
 3. Payments of one thousand dollars (\$1,000.00) or more shall be approved through the chain of command to include the Division Chief of Criminal Investigations.
 4. Provision of housing for a Confidential Informant, whether in private or city-owned facilities, shall be approved through the requesting officer's chain of command through the officers Division Chief and by the Division Chief of Criminal Investigations.
- (5) The Chief of Police shall be immediately notified any time an informant has received twenty thousand dollars (\$20,000.00) or more from the Denver Police Department, as a single payment or cumulatively.
- (6) Officers shall not allow an informant to engage in criminal conduct as compensation for the information they provide.

307.10 Agreements Concerning Criminal or Traffic Cases Against an Informant

- (1) No commitments, promises, or agreements concerning the disposition of a criminal or traffic case including "immunity," dismissal, reduced plea, or consideration for sentence concessions will be made without the prior authorization of the appropriate prosecutor and the Primary Control Officer's commanding officer. Officers shall avoid any language that may be interpreted as an offer such a commitment, promise, or agreement.
- (2) If such authorization is granted, a Defendant Cooperation Agreement, DPD 566, shall be completed.
 - a. The completed Defendant Cooperation Agreement form shall be reviewed and approved by signature of the appropriate prosecutor and the Primary Control Officer's chain of command.
 - b. The Primary Control Officer's supervisor shall hand carry the approved Defendant Cooperation Agreement to the Office of the Division Chief of Criminal Investigations where it shall be retained in the Confidential Informant's permanent file.
 - c. The Defendant Cooperation Agreement form shall not be copied unless ordered by a court of record and approval is obtained from the Chief of Police.
 - d. The Defendant Cooperation Agreement form shall not be included in any criminal case filing.
 - e. The Primary Control Officer's supervisor shall be responsible for monitoring the use of the informant and the application of the agreement.
- (3) Any investigative assistance provided by informants for consideration in pending criminal/traffic cases shall be documented on a Confidential Source Information File (Payment Record), DPD 336A.
- (4) Any officer wishing to request a Personal Recognizance bond for a potential informant shall have a completed Informant Registration Packet approved through the chain of command prior to arranging the Personal Recognizance bond.

307.11 Court Appearances or Other Intervention on Behalf of Informants

- (1) Officers must notify their supervisor, the assigned investigator, and the appropriate prosecutor of their intentions, prior to making an appearance on behalf of an informant in a criminal case or administrative proceeding in accordance with OMS 103.06 and RR-1004. If the assigned investigator is not available, notification shall be made to the assigned investigator's supervisor.
- (2) Officers shall not appear on behalf of an informant in any court or administrative proceeding without the prior written authorization of their commanding officer or unless subpoenaed by a court record. Any officer receiving such a subpoena shall notify their commanding officer of that fact as soon as possible.
- (3) In compliance with RR-312, Officers shall not interfere with cases assigned to other officers.
- (4) Officers shall not attend in an official capacity any legal proceedings on behalf of an informant to whom they are related through blood or marriage, unless ordered to appear by a court of record.

307.12 Case Filings and Disclosure of Informants

- (1) All of the facts related to the actions of the informant must be known by the prosecutor in order to properly evaluate the provability of the case and the likelihood of being able to protect the identity of the informant.
- (2) At the time the case is presented for filing, the prosecutor must be notified if an officer wishes to protect the true identity of an informant in any judicial setting. This disclosure will assist the prosecutor in making filing determinations.
- (3) If an informant participated at any stage in the planning or commission of the crime being charged, thereby becoming a witness to the crime, including, but not limited to, taking defendant to the scene of the crime, acting as a lookout, or driving the getaway car, the officer must notify the District Attorney at the time the case is presented for filing. Prosecuting such a case will likely require disclosure of the informant.

307.13 Information on Violations of Governmental Integrity

- (1) If an informant furnishes information which adversely reflects on the integrity of a City, County, State, or Federal official, officer, or agency, the officer receiving the information shall immediately notify his/her commanding officer who will then notify the Commander of the Internal Affairs Bureau.
- (2) The Commander of the Internal Affairs Bureau shall notify the Chief of Police. The Chief of Police will determine what other government agencies, if any, will be notified.

307.14 Significant Public/Immigration Benefit Parole

- (1) Any member of the Denver Police Department wishing to make a Request for Significant Public Benefit Parole or any other special consideration on immigration matters to Immigration and Customs Enforcement on behalf of an informant shall forward this request through the chain of command to the Division Chief of Criminal Investigations. Under no circumstances will any member submit any request for special consideration on immigration matters for an informant directly to Immigrations and Custom Enforcement.

307.15. Change of Primary Control Officer or Confidential Informant

- (1) If it becomes necessary to change the Primary or Secondary Control officer of any registered informant the following procedures shall be followed:
 - a. The officer wishing to become the new Primary or Secondary Control officer shall be responsible to complete an Inter-Departmental Correspondence, DPD 200, outlining the reason for the change. The DPD 200 shall be signed by the new Primary and/or Secondary Control officer and approved by that officer's chain of command through the Bureau/District Commander. The Primary and/or Secondary Control officer relinquishing control of the informant and that officer's chain of command through the Bureau/District Commander shall also approve the DPD 200. The completed DPD 200 shall be forwarded through the chain of command to the Division Chief of Criminal Investigations for inclusion in the informant's file.
 - b. The registered informant shall complete and sign a new Confidential Informant Liability/Waiver Conduct Agreement, DPD 564, which includes the name of the new Primary Control officer. This form will be forwarded along with the DPD 200 to the Division Chief of Criminal Investigations for inclusion in the informant's file.

308.00 - MISSING AND EXPLOITED PERSONS UNIT

308.01 Overview

- (1) The Missing and Exploited Persons Unit (MEP Unit) investigates the following:
 - a. Neglected and/or abused children.
 - b. Child deaths in cooperation with the Homicide Unit.
 - c. Sexual assaults to children when the suspect is in a position of trust, or if the suspect is a family member.
 1. One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.
 - d. Child pornography as it pertains to the possession, distribution, and/or manufacturing of photographs.
 - e. Reported runaways.
 - f. Missing persons.
 - g. Kidnappings where the victim is still missing.
 - h. Any investigation where the expertise of the MEP Unit will be useful.

308.02 Call-Out Procedures

- (1) The supervisor in the MEP Unit shall be called to assist in the following situations:
 - a. All complaints of sexual assault on a child in which the suspect is in a position of trust, or is a family member, and the offense occurred within the last 72 hours.
 - b. In all physical or sexual abuse cases of children **involving serious bodily injury defined as the victim suffering:**
 1. A substantial risk of death, or
 2. A substantial risk of serious, permanent disfigurement, or
 3. A substantial risk of protracted loss or impairment of the function of any part or organ of the body, or
 4. Breaks, fractures (to include any and all breaks, fractures and/or hard tissue injury such as, bone, teeth or cartilage), or burns of the second or third degree.
 - c. In all instances when it is necessary to obtain a search warrant to gather evidence or document a crime scene.
 - d. If officers are unsure how to handle a child abuse, child neglect or sexual assault to a child involving a suspect in a position of trust, the MEP Unit supervisor should be contacted through the Denver 911 supervisor.
 - e. In all instances in which a child or adult is missing with extenuating circumstances.
 - f. In all instances where a suspect is present and there are allegations the suspect possesses or has possessed photographs depicting child pornography.
- (2) Cases where death has occurred:
 - a. In all cases where a child dies as a result of suspicious or criminal circumstances, the MEP Unit supervisor will be contacted by the Homicide Unit supervisor.

- b. Protocols for investigation where death has occurred, OMS 301.14 Investigation Where Death Has Occurred, shall be followed.

308.03 Taking Children into Protective Custody

- (1) Police officers must investigate all complaints concerning abused/neglected children to determine their validity. When a child is a victim of child abuse, child neglect or sexual assault, the officer has the responsibility of deciding if the child should be left in the home. Officers are given the authority to remove children from their parent or legal guardian without a court order, and must evaluate the safety of the child victim as well as other children who are in the care of the parent or legal guardian. Under C.R.S. §19-3-401, the officer has the authority to remove the child "whenever the safety or well-being of the child is immediately at issue and there is no other reasonable way to protect the child." Once a decision is made to remove a child, officers must contact the Denver Department of Human Services (DDHS) Hotline at 720-944-3000 and advise the social worker a child placement is needed. Refer to OMS 308.03 (2). It is the officer's decision when a child is taken away from a parent or legal guardian, and it is DDHS's decision where the child will be placed. If an officer is unsure if a child should be placed into protective custody, they must notify their supervisor to make the determination. If the supervisor is unsure if a child should be taken into protective custody, the MEP Unit supervisor must be contacted. If children are taken into protective custody and no adults are present, a copy of a Protective Custody Notice and/or Request to Appear, DPD 140, must be left at the residence. The children to be protected include, but are not limited to, the following:
 - a. Children who are physically, mentally or sexually abused, or who are unduly confined or restricted.
 - b. Children abandoned by their own parents or guardians, and children given to people other than a relative without proper consideration.
 - c. Children without adequate supervision and protection, whose parents are incarcerated.
 - d. Children whose homes are unfit by reasons of neglect or depravity on the part of their parents or guardians.
 - e. Children endangered by being left alone without adequate supervision and protection.
 - f. Children endangered by the use, distribution, or manufacturing of illegal drugs.
- (2) When officers determine that a child needs to be taken away from their parent or legal guardian and placed into protective custody, officers **MUST** do the following:
 - a. Call DDHS Hotline at 720-944-3000 and tell the Hotline a child placement is necessary.
 - b. Give DDHS the information on the child and the circumstances for placement. DDHS is responsible for determining the location where a child is placed and DDHS's approval for the placement location is **REQUIRED** before officers make a child placement. This includes placing a child with family members or relatives of the parent or legal guardian.
 - c. Officers must include the location where the child was placed in the narrative of the General Occurrence (GO) report.
- (3) When a child is **LESS THAN 72 HOURS OLD**, officers are prohibited from taking custody of that child without a court order EXCEPT in the following circumstances:
 - a. When a child under 72 hours old is identified by a physician, registered nurse, licensed practical nurse, or physician's assistant engaged in the admissions, care, or treatment of patients as being affected by substance abuse or demonstrating withdrawal symptoms resulting from prenatal drug exposure.
 - b. When the newborn child's parent or parents have been determined by a physician, registered nurse, or qualified mental health professional to meet the criteria specified in Colorado Revised Statutes (C.R.S.) §27-10-105, for custody, treatment, and evaluation of mental illness or grave disability.
 - c. When the newborn child is subject to an environment exposing the newborn child to a laboratory for manufacturing controlled substances as defined in C.R.S. §18-18-102 (5), which states;

1. "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V of Part 2 of C.R.S. §18-18-102, including cocaine, marihuana, and marihuana concentrate.
- d. If an officer takes custody of a child under any of these circumstances, the officers **MUST** give the parent(s) a copy of a Protective Custody Notice and/or Request to Appear, which includes their parental rights.
- e. The officer shall complete a General Occurrence report titled "Child Abuse-Simple."]
- (4) If the criteria in OMS 308.03 (4) a, b, or c are NOT met, a court order is required to take custody of the child. When a court order is required, officers must do the following:
 - a. If a social worker with the DDHS is not present, officers will call the DDHS Hotline at 720-944-3000, and ask for the on-call DDHS caseworker.
 - b. Advise the caseworker of the circumstances involving the child, and they will call the on-call Juvenile Court judge for a verbal order.
 - c. In these circumstances, DDHS may call for officers to assist with a civil standby when a child is taken into protective custody on the judge's order. Officers do not need to complete a General Occurrence report in these circumstances.]
- (5) To comply with the Colorado Children's Code C.R.S. §19-1-126, Compliance with the Federal "Indian Child Welfare Act," whenever a child is an American Indian and the child is being removed from the home, officers must:
 - a. Notify the DDHS Hotline of the child's ethnicity, and if known, the Indian tribe the child belongs to;
 - b. Serve the parents with a request to appear on Protective Custody Notice and/or Request to Appear, to the Family Crisis Center for the next business day at 0900 hours. This form also includes their parental rights, and must be given to the parent or guardian of the child;
 - c. If officers are unsure of the child's ethnicity, DDHS will make that determination after the child is placed, and will determine whether they are affiliated with an Indian tribe.
 - d. Complete a General Occurrence report.]
- (6) Social workers with the DDHS do not have the authority to remove children from a home without a court order. Officers called to assist DDHS will adhere to the law under C.R.S. §19-3-401, which states: "whenever the safety or well-being of the child is immediately at issue the officer must remove the child from the environment."
 - a. In order to take a child into protective custody, the social worker must provide information to show that the safety or well-being of the child is immediately at issue, and the officer must include this information in a General Occurrence report.]
 - b. The authority to remove a child can be based on the information given by the DDHS worker, and may include the history of the family known by the social worker.
 - c. Ultimately, the decision to place the children is up to the officer, but consideration should be given to all the circumstances surrounding the incident.
 - d. In situations where the officer is unsure what actions to take, the MEP Unit supervisor should be contacted through the Denver 911 supervisor.]
- (7) When a child is placed into protective custody, officers must check the box "protective custody" on the front of the Protective Custody Notice and/or Request to Appear.
 - a. When children are placed into protective custody, the location of the children shall not be disclosed to persons other than law enforcement or DDHS personnel. Parents will be referred to the MEP Unit.
 - b. Whenever officers take protective custody of a child, a General Occurrence report must be completed. If a General Occurrence report has already been completed and the protective custody is related to the same event, officers must add a statement to the General Occurrence report detailing the circumstances of the protective custody hold.]

308.04 Patrol Procedures for Child Abuse, Child Neglect, and Sexual Assault to a Child by a Person in a Position of Trust or a Family Member

- (1) Officers who are called by DDHS's Hotline shall call the Hotline back at 720-944-3000 and detail the outcome of the call. DDHS's Hotline is staffed 24 hours a day, seven days a week.
- (2) In all cases when officers are called concerning neglected, abandoned, abused, or sexually abused children, and children are present, the officer shall complete a General Occurrence (GO) report irrespective to the call being founded or unfounded. This includes calls on welfare checks on children called in by DDHS. Should children not be present and there is no information identifying who the children are, the officer shall complete General Occurrence report with an offense code titled "Letter to Detectives", and route the letter to the Child Abuse handle. Additionally, in cases where the call is founded, the officer shall do the following:
 - a. In cases of sexual assault on a child when the suspect is in a position of trust or is a family member, the victim should not be interviewed unless it is necessary. A statement should be obtained from the witness or witnesses the victim reported the sexual abuse to.
 - b. In all cases of reported sexual abuse, physical abuse or neglect, officers must obtain statements from all witnesses, including other officers.
 - c. Determine if the victim needs medical care, and if so, an ambulance will be called to the scene.
 - d. If the victim has injuries, photographs need to be taken. This can be done by the Crime Laboratory, or if the Crime Laboratory is unavailable, with a digital camera. If a digital camera is used, the disk should be placed into the Property Management Bureau. When taking photographs of a child and their injuries, officers should consider whether making the child disrobe would be traumatic for the child. Officers should consider calling an ambulance, or taking the child to a medical facility to assist in taking photographs.
 - e. Determine if the child can stay in the home or if the child needs placement. Refer to OMS 308.03 Taking Children into Protective Custody.
 - f. Serve a request to appear to all persons involved, including the victim, on a Protective Custody Notice and/or Request to Appear, DPD 140, to the Family Crisis Center.
 1. All requests to appear are to be done Monday through Friday, excluding holidays, at 0900 hours.
 2. In cases of sexual abuse, the suspect must also be given a separate Request to Appear, DPD 75, and the time must be changed to 1030 hours.
 3. If no adults are present, officers must leave a copy of Protective Custody Notice and/or Request to Appear. Officers must use a Protective Custody Notice and/or Request to Appear, because it also gives the parents and/or guardians their parental rights required by the Colorado Children's Code, C.R.S. §19-3-402.
 - g. Officers **shall not arrest** a person for the charge of Child Abuse or Sexual Assault on a Child by a Person in a Position of Trust, without the prior approval of their supervisor, or a supervisor or detective assigned to the MEP Unit. If extenuating circumstances exist that the arrest of the suspect is needed to ensure the officer's or public's safety, officers should arrest the suspect, then notify the MEP Unit supervisor through Denver 911.

308.05 Paperwork Distribution for Child Abuse, Child Neglect, and Sexual Assault to a Child by a Person in a Position of Trust or Family Member

- (1) The documents related to investigations of child abuse, child neglect, or sexual assault on a child involving a suspect in a position of trust, shall be distributed as follows:
 - a. The original copy of the Protective Custody Notice and/or Request to Appear, DPD 140, shall be given to the parent or guardian or left at the residence.

- b. The second copy of Protective Custody Notice and/or Request to Appear, along with the original statements, shall be **HAND CARRIED** to the Records Section to be scanned. Officers must make an additional copy of Protective Custody Notice and/or Request to Appear, and **HAND CARRY** this to the MEP Unit, or, if the MEP Unit is closed, left with the Records Section to be mailed to the MEP Unit. The third copy of Protective Custody Notice and/or Request to Appear, shall be sent to DDHS through inter-department mail or left with an agency where a child is placed if they were taken into protective custody.
- c. If the child is hospitalized and a hold is placed on the child for DDHS, one copy of the Protective Custody Notice and/or Request to Appear, must be given to the hospital. The officer must notify DDHS's Hotline at 720-944-3000 if a hold is placed on a child who is hospitalized.
- d. When a child is placed into protective custody, officers must check the box "protective custody" on the front of the Protective Custody Notice and/or Request to Appear.
 - 1. When children are placed into protective custody the location of the children shall not be disclosed to persons other than law enforcement or DDHS personnel. Parents will be referred to the MEP Unit.

308.06 Child Pornography

- (1) When officers respond to cases involving photographs or paper copies of child pornography, the following shall be completed:
 - a. Retrieve all evidence relating to the child pornography and get a statement from the complainant detailing how the evidence came into their possession.
 - b. If the evidence is developed photographs or photograph negatives, retrieve the envelope that was submitted to the company for developing, and place it into the Property Management Bureau.
 - c. Place the evidence showing the child pornography into the Property Management Bureau, in a paper envelope, sealing it with evidence tape.
 - d. Officer shall create a General Occurrence (GO) report with an offense code titled "Letter to Detectives", and route the letter to the Child Abuse handle. Send any original statements to the MEP Unit.
 - e. The possession of child pornography is illegal. The company providing the evidence to police is forbidden from keeping any evidence depicting child pornography.
 - f. If the suspect is present, the MEP Unit supervisor shall be contacted through the Denver 911 supervisor.
 - g. In unusual circumstances or situations that are not clearly covered by procedure, the officer will request the presence of a supervisor. The supervisor is encouraged to call the MEP Unit or the on-call MEP Unit supervisor for advice or assistance.

308.07 Drug Endangered Children (DEC)

- (1) Definitions
 - a. Drug Endangered Children (DEC) refers to children who:
 - 1. Are under 18 years of age.
 - 2. Suffer physical, emotional or mental harm, or neglect from direct or indirect exposure to illegal drugs or alcohol.
 - 3. Live in a house where illegal drugs are used and/or manufactured.
 - 4. Ingest or inhale illegal drugs in the home.
 - 5. Are exposed to the toxic chemicals of home drug labs.
 - 6. Are infants exposed to illegal drugs in utero.
 - 7. Suffer physical abuse and neglect because of their caretaker's substance abuse.

- b. "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V of Part 2 of C.R.S. §18-18-102, including cocaine, marihuana, and marihuana concentrate.
- c. "Clandestine laboratory" is defined as a scene having hazardous chemicals, glassware, fertilizers, seeds, molds or spores used to manufacture or grow controlled substances.

(2) Patrol response

- a. When officers arrest a suspect for possession or sale of a controlled substance and a child is present and the suspect is the guardian or parent of the child, officers shall determine if the child is safe. Refer to OMS 308.03.
 - 1. If it is determined the child is not safe, officers shall call DDHS's Hotline at 720-944-3700, for placement of the child. The Emergency Response Worker will determine where the child will be placed. Officers should never place children away from their parent or legal guardian without consent from DDHS.
 - 2. Officers shall complete a General Occurrence (GO) report adding the offense "Child Abuse-aggravated" to the report and route this to the Vice/Narcotics Bureau handle. If children are taken into protective custody, officers must complete a Protective Custody Notice and/or Request to Appear, DPD 140, and check the box titled "protective custody". Refer to OMS 308.05 for distribution.
- b. When officers arrest a suspect for possession or sale of a controlled substance and there is an indication that the suspect is a legal guardian or parent of a child and that child may be in danger because of the illegal drugs involved, officers shall:
 - 1. Notify DDHS's Hotline at 720-944-3000 regarding the circumstances of the arrest and any concerns for the child.
 - 2. Include the notification to DDHS in their statement.
- c. When officers find evidence of a Clandestine Laboratory as defined in OMS 308.06 (1)c, officers shall immediately notify the on-call Vice/Narcotics Bureau supervisor:
 - 1. If children are involved, their information must be included in the General Occurrence report.
 - 2. Vice/Narcotics Bureau personnel will contact DDHS's Emergency Response Team to assist with placement of the children.
- d. Officers are encouraged to call the on-call Vice/Narcotics supervisor in situations where illegal drugs are present and children may be involved.

308.08 Overview of Missing Adults, Missing Children, and Runaways

(1) Policy

- a. Missing person or runaway reports are taken of people who reside within the City and County of Denver, or if there is credible information indicating the missing adult or juvenile was last believed to be within the City and County of Denver.
- b. There is no waiting period for the purposes of reporting a missing person. Missing person cases where extenuating circumstances exist, as described in OMS 308.08 (2)c, Definitions, shall be investigated immediately.
- c. At the scene of an adult or child missing with extenuating circumstances defined in OMS 308.08 (2)c, the ranking member of the Major Crimes Division who may be present shall be in complete charge of the incident without regard to the rank of officers present from other divisions. Under such circumstances, the senior representative of the Major Crimes Division will establish liaison with the command post or uniformed command officer at the scene and make all requests for assistance from the patrol district through the command post or through the regular chain of command of that division, as appropriate.

(2) Definitions

a. Missing Person

1. Any child 11 years of age or younger whose whereabouts cannot be determined.
2. Any child who is 12 years of age, but not yet 18 years of age and who is not considered a runaway.
3. Any person 18 years of age or older whose whereabouts cannot be determined and the absence is a significant deviation from normal behavior patterns and cannot be explained.
4. Any walk-away from an institution including but not limited to: hospitals, nursing homes, group homes, or other care facilities. A walk-away is any person who leaves on his/her own volition, but does not have the authority to do so.

b. Runaway

1. Any child who is 12 years of age but not yet 18 years of age will be considered a runaway when the disappearance is the result of the child's actions.

c. Extenuating Circumstances

1. Any circumstance, which subjects a missing person to be at risk or suggests that foul play exists.
2. When extenuating circumstances exist, a missing persons report is required whenever any person is reported missing from a location within the City and County of Denver.
3. Extenuating circumstances include but are not limited to the following:
 - a. Age: A person under the age of 12 or a person who is elderly*;
 1. *An elderly person is a person who has a diminished ability due to an age-related malady, disability, or memory loss.
 - b. Disability: A person of any age who is missing and who has a physical or mental disability, which subjects that person or others to personal danger. This includes, but is not limited to the inability to communicate due to language disability or language difference and Missing Civilly or Criminally Committed Mental Patients as outlined in OMS 308.10.
 - c. Endangered: A person of any age who is missing under circumstances which indicate the missing person may be in danger. This includes in the company of another person who is considered dangerous, exposure to a dangerous environment or when sexual exploitation exists or is reasonably believed and any instance where the missing person is reasonably believed to be a victim of foul play.
 - d. Involuntary: A person of any age who is missing under any circumstances, which indicate the disappearance may not have been voluntary.
 - e. Catastrophe Victim: A person of any age who is missing after a catastrophe or natural disaster.
 - f. The absence is a significant deviation from established patterns of behavior and cannot be explained.
 - g. Criminal kidnapping, the missing person has been abducted by someone other than a parent. For procedures to follow in parental kidnapping, see: OMS 308.15 (3).

308.09 Reporting Missing Adults

(1) The initial report of a missing adult is a non-crime report and is considered "information only."

- a. In some instances, missing adults are found to be victims of homicide, suicide or kidnapping. All reports of missing persons shall be considered serious during the initial reporting phase.

- (2) Reports on missing persons will be taken under the following circumstances:
 - a. The missing person is a resident of the City and County of Denver, or
 - b. There is credible information indicating that the missing person was last believed to be within the City and County of Denver.
- (3) An adult (18 years of age or older), may be reported missing via telephone or in person.
- (4) When requested by a complainant, a car will be dispatched to the complainant's location to take the initial report.
- (5) When gathering the information, either in person or by phone, an interview will be conducted with the complainant to determine if extenuating circumstances exist.
 - a. If extenuating circumstances exist, as described in OMS 308.08 (2)c, Definitions:
 - 1. Denver 911 will be notified and a description of the missing person will be broadcast.
 - 2. The on-call MEP Unit supervisor will be notified.
 - b. If extenuating circumstances do not exist, officers shall complete a General Occurrence (GO) report.
- (6) Missing person reports taken in the field will be completed as a General Occurrence report.
 - a. The title will be "Missing Person-Adult".
 - b. Location of occurrence will be the last known location.
 - c. Time and date of occurrence will be the last time and date seen.
 - d. The missing person shall be listed as the victim.
 - 1. Include name, DOB, height, weight, hair, and eye color.
 - 2. Include Social Security number and vehicle information.
 - 3. List any distinguishing information in the narrative.
 - e. The reporting person shall be the complainant.
 - f. Circumstances surrounding the missing person will be detailed in the narrative of the report.
 - g. If available, have the complainant provide a photograph of the missing person.
 - h. The MEP Unit detective will gather any additional information.
 - i. On all missing persons reports, a CCIC/NCIC Wanted/Missing Person, DPD 110/252, will be completed by an MEP Unit detective or, if extenuating circumstances exist, by the on-call MEP Unit supervisor or detective.
- (7) The MEP Unit detectives will enter and maintain information about missing persons on the RMS system.
- (8) All reports of a missing person will be assigned to a MEP Unit detective for follow-up investigation.
- (9) Missing Senior Citizens Alerts will be issued through the Major Crimes Division MEP Unit at the direction of the Commander of the Major Crimes Division or his/her designee.
 - a. The following criteria must be met before MEP Unit personnel may consider issuing the alert:
 - 1. The missing person is 60 years of age or older whose whereabouts are unknown.
 - 2. A missing person lives in Colorado or was last known to be in Colorado.
 - 3. The missing person must have a verified mental condition that poses a credible threat to the safety or health of the person.

308.10 Missing Civilly or Criminally Committed Mental Patients

- (1) For a report to be taken by this Department, the missing or walk-away person must have left a facility located in the City and County of Denver.

- (2) Officers will be dispatched for persons wishing to report a civilly committed missing person or walk-away. Officers shall complete a General Occurrence (GO) report titled "Missing Person-Adult." The MEP Unit will place a "locate only" pickup on the person.
- a. Persons wanted on a "locate only" pickup as walk-aways or runaways from a civil mental health commitment will not be arrested unless they are wanted on a warrant or are arrested on probable cause for a criminal offense.
 - b. If the person for whom the "locate only" pickup has been placed voluntarily agrees to be returned to the facility from which he walked or ran away, he will be transported to that facility. If the officer is unsure if the person was placed in the facility on a voluntary basis, the facility should be contacted.
 - c. A mental health hold will not be placed unless the person for whom the "locate only" pickup has been placed exhibits behavior that establishes the need for a mental health hold.
 - d. A General Occurrence report titled "Letter to Detectives" will be made and routed to the Missing Persons handle whenever a person is contacted who is the object of the "locate only" pickup issued for walk-away or runaway from a civil commitment. The MEP Unit will cancel the pickup.

308.11 Located Missing Persons

- (1) A missing person pickup, local or national, is not a warrant and the person cannot be arrested for being sought as a missing person.
 - a. Missing persons who are physically or mentally handicapped will be handled in accordance with the procedures found in OMS 104.30, Processing the Mentally Ill.
- (2) Officers contacting a person listed as missing will:
 - a. Determine if the person is acting under his/her own free will;
 - b. Document how the person was identified and the circumstances of the contact in a General Occurrence (GO) report with an offense code titled "Letter to Detectives", and route the letter to the Missing Persons handle.
 - c. Advise the person that a missing persons report has been filed and inform the person which agency placed the pickup;
 - d. If a missing person is arrested for a crime, the procedures in OMS 308.11 (2) a., b., c., and d. still apply.
 - e. Any persons or agency requesting information about police contact with missing persons shall be referred to the MEP Unit during normal business hours.

308.12 Reporting Missing or Runaway Juveniles

- (1) Reports on missing or runaway juveniles will be taken under the following circumstances;
 - a. The juvenile is a resident of the City and County of Denver, or
 - b. There is credible information indicating that the juvenile was last believed to be within the City and County of Denver.
- (2) When reporting a missing child or runaway 12-17 years of age, officers shall complete a General Occurrence (GO) report titled "Runaway-From Denver".
 - a. All missing child or runaway complaints will be taken in person, with the exception of facilities registered with the MEP Unit. A car will be dispatched to the location of the complainant to take the report.
 - b. Once officers complete the General Occurrence report, they MUST contact the Juvenile Intake Bureau and give them the report number. A photograph of the missing or runaway juvenile will be sent via inter-departmental mail to the MEP Unit.
 - c. Juvenile Intake personnel will complete the NCIC pickup, CCIC/NCIC Wanted/Missing Person, DPD 110/252, and bring this to NCIC.

- d. MEP Unit detectives are responsible for all follow-up investigations involving all reported runaways or missing children.
- e. Under unusual or extenuating circumstances, as described in OMS 308.08 (2), Definitions, the supervisor at the scene shall contact the MEP Unit or the on-call MEP Unit supervisor.
- f. Runaway children being reported by a treatment/care facility registered with the MEP Unit, can follow the procedure listed under OMS 308.12 (6).

(3) When the child being reported as missing under extenuating circumstances, as described in OMS 308.08 (2)c, officers should refer to OMS 308.17, Denver Police Department Missing or Abducted Child Response. The MEP Unit supervisor should be contacted through the Denver 911 supervisor.

(4) If a juvenile runs away from foster care to his/her own home, police officers do not have the legal authority to remove the juvenile from his/her own home unless the juvenile is in immediate danger, refer to OMS 308.03, Taking Children into Protective Custody. If the juvenile is not in immediate danger, officers shall:

- a. Contact the on-call social worker through DDHS's Hotline at 720-944-3000. If DDHS has been awarded custody of the juvenile, the social worker can respond to the officer's location and take custody of the juvenile.

- 1. If DDHS has not been awarded custody, they must get a verbal or written order from a Denver judge to take the juvenile out of the home. Once this is completed, officers can assist DDHS with the attempt to pick up the juvenile.

(5) When a married person under 18 years of age is being reported missing by his/her spouse, officers shall complete a General Occurrence report titled "Missing Person-Juvenile." Should extenuating circumstances exist as described in OMS 308.08 (2), Definitions, the on-call MEP Unit supervisor will be contacted.

(6) Treatment/care facilities registered with the MEP Unit reporting runaway children may follow this procedure:

- a. Treatment/care facility personnel can make a report of a runaway child in person or, if they are registered with the MEP Unit, by telephone.
- b. Treatment/care facility personnel registered with the MEP Unit, can report runaway children by contacting the Juvenile Intake Unit.
- c. The police department representative will complete a CCIC/NCIC Wanted/Missing Person, to generate a runaway case report, providing a case number to the treatment/care facility representative.
- d. The treatment/care facility representative will complete a Request for Apprehension of a Runaway Child form, DPD 100. Once completed, this form will be faxed to the police department representative who will ensure completion of the document. Upon confirmation of receipt of the CCIC/NCIC Wanted/Missing Person, the runaway child will be entered onto the NCIC/CCIC system.

e. MEP Unit detectives will complete the General Occurrence report.

f. If the child is believed to be missing under extenuating circumstances as defined under OMS 308.17 (3), Definitions, the on-duty or on-call MEP Unit supervisor will be notified.

308.13 Located Missing or Runaway Juveniles

- (1) When a runaway or missing juvenile is located, they will be processed in accordance with OMS 403.01 (8), Located Missing or Runaway Juveniles.

308.14 Juvenile Bench Warrants, WRITS OF ASSISTANCE, Probation Violation Warrants, or Other Warrants

- (1) Juvenile bench warrants issued by Denver Juvenile Court are entered into CCIC/NCIC by the MEP Unit.

- a. When officers arrest a juvenile pursuant to a Denver Juvenile Court bench warrant, officer shall complete a General Occurrence (GO) report with an offense code titled "Letter to Detectives," and route the letter to the Missing Persons handle.
- (2) Writs of assistance are court orders issued for the apprehension of a juvenile. They are issued upon application by DDHS. They require a law enforcement officer to take a juvenile into custody. Denver County writs of assistance are entered into CCIC/NCIC by the MEP Unit.
 - a. The intake juvenile probation officer will be contacted to determine the placement for a juvenile apprehended pursuant to a writ of assistance.
 - b. The apprehending officer(s) will not be required to notify a parent or guardian.
 - c. Officers shall complete a General Occurrence report with an offense code titled "Letter to Detectives," and route the letter to the Missing Persons handle detailing the circumstances of the contact, and the outcome of the juvenile's placement.
 - d. A copy of the writ of assistance must accompany the juvenile to the place of detention or shelter.
- (3) Probation violation warrants are entered into CCIC/NCIC without the involvement of the MEP Unit.
 - a. The intake juvenile probation officer will notify the parent or guardian of a juvenile arrested pursuant to a probation violation warrant issued by Denver Juvenile Court.
 - b. CCIC/NCIC will notify the agency initiating the warrant when a juvenile is arrested pursuant to a probation violation warrant issued by another jurisdiction.
- (4) Persons 18 years of age or older arrested on warrants issued while the person was a juvenile will be placed in the Denver Detention Center.

308.15 Kidnapping Cases

- (1) Investigations of all kidnapping cases where the victim is still missing will be investigated by the MEP Unit.
- (2) If the victim of the kidnapping is a child, officers should refer to OMS 308.17, Denver Police Department Missing or Abducted Child Response. The MEP Unit supervisor should be contacted immediately through Denver 911.
- (3) Child custody disputes, parental kidnapping
 - a. If an officer is present with a child and the disputing parties, and:
 - 1. One party has obtained a protection order against the other party, the officer will be guided by OMS 104.35 - Enforcement of Protection Orders as the first course of action.
 - 2. If the welfare of the child is not endangered, the child will be left with the person who was awarded custody through a Colorado court or a court of another state.
 - 3. If officers determine that the welfare of a child in their presence is in immediate danger, they will refer to OMS 308.03, Taking Children into Protective Custody, and complete the necessary paperwork.
 - b. In any circumstance where the child is not present and the allegation is parental kidnapping, a preliminary investigation will be conducted.
 - 1. Officers will attempt to locate the child and return the child to the party who was awarded custody.
 - 2. If the child is not found and there is no indication the child may be endangered, officers shall complete a General Occurrence (GO) report with an offense code titled "Letter to Detectives", and route the letter to the Missing Persons handle. Officers will send statements from the complainant and any witnesses to the MEP Unit via inter-department mail. All parties should be ordered in to the MEP Unit the next day at 0900 hours.
 - 3. **If there is any indication** that the child is in danger or that the child may be taken out of state, the MEP supervisor shall be contacted through Denver 911. Officers should then refer to OMS 308.17, Denver Police Department Missing or Abducted Child Response.

- c. In unusual circumstances or situations that are not clearly covered by procedure, the officer will request the presence of a supervisor. The supervisor is encouraged to call the MEP Unit or the on-call MEP Unit supervisor for advice or assistance.

308.16 Utilization of the Media in Dissemination of Missing Person Information

- (1) The Public Information Office (PIO) of the Denver Police Department, in concert with the MEP Unit, utilizes the electronic media, radio, and television to immediately broadcast information about missing, endangered, or abducted children. Media release can be activated for endangered or abducted adults as well. Media releases will assist in generating community awareness in a short period of time. The Commander of the Major Crimes Division or his/her designee will represent the Denver Police Department for media activation purposes.

- (2) Criteria

- a. The missing child is under 12 years of age.
- b. An investigation has occurred and verification of the disappearance/abduction is verified.
- c. The missing person is believed to be in danger of serious harm or death.
- d. The missing child or adult is believed to have a proven mental or physical disability and/or condition that requires immediate attention.
- e. Extenuating circumstances exist as described in OMS 308.08 (2), Definitions.
- f. Evidence exists to indicate that the missing child was abducted
- g. Evidence exists that an adult was abducted.
- h. Sufficient information is available to disseminate to the public that could assist in locating the missing person, suspect, or suspect vehicle.

- (3) Activation

- a. The procedures outlined in OMS 308.09, Reporting Missing Adults, and OMS 308.12, Reporting Missing or Runaway Juveniles, will be followed.
- b. When the criteria outlined in OMS 308.16 (2) is met, the Commander of the Major Crimes Division or his/her designee will contact the Public Information Office of the Denver Police Department.
- c. The Public Information Office representative will facilitate the release of all pertinent missing person information to the media outlets.
- d. Information release will be facilitated through broadcast fax and/or broadcast e-mail from the Public Information Office to the media outlets.
- e. The Colorado Bureau of Investigation will be notified by the MEP Unit prior to releasing information to the media on incidents that meet the criteria outlined in OMS 308.17 (5)c5 , Amber Alerts, or OMS 308.09(9), Senior Citizens Alerts.

- (4) Amber Alerts

- a. All Amber Alerts will be issued through MEP Unit, at the direction of the Commander of the Major Crimes Division or his/her designee.
- b. Refer to OMS 308.17 (5)c5 for Amber Alert criteria.

- (5) Cancellation

- a. The Commander of the Major Crimes Division or his/her designee is responsible for cancellation of an alert.

308.17 Denver Police Department Missing or Abducted Child Response

- (1) Purpose

The purpose of this policy is to establish responsibilities and guidelines regarding the Denver Police Department's response to reports of missing or abducted children, and will be used in conjunction with Denver Police Department's OMS 308.08, Overview of Missing Adults and Runaways, and OMS 308.12, Reporting Missing or Runaway Juveniles.

(2) Policy

It shall be the policy of the Denver Police Department to thoroughly investigate all reports of missing or abducted children in the City and County of Denver. In addition, this agency holds that every child reported as missing with extenuating circumstances will be considered "at risk" until information to the contrary is received. At the scene of a child missing with extenuating circumstances defined under OMS 308.17 (3), the ranking member of the Major Crimes Division who may be present shall be in complete charge of the incident without regard to the rank of officers present from other divisions. Under such circumstances, the senior representative of the Major Crimes Division will establish liaison with the command post or uniformed command officer at the scene and make all requests for assistance from the patrol district through the command post or through the regular chain of command of that division, as appropriate.

(3) Definitions

a. Extenuating circumstances:

1. A missing child who is under the age of 12.
2. A child whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk.
3. A child who has a medical condition, physical disability, or mental disability which subjects them or others to personal danger
4. A missing child who is believed to be:
 - a. Out of the "zone of safety" for his/her age and developmental stage.
 - b. A potential victim of foul play or sexual exploitation.
 - c. With adults who could endanger him or her.
 - d. Missing under any circumstance that indicates the disappearance may not have been voluntary.

(4) Determination of Extenuating Circumstances

- a. If it is determined that extenuating circumstances do not exist, and the child is classified as a runaway, defined as "any child who is 12 years of age, but not yet 18 years of age and the disappearance is the result of the child's actions" [OMS 308.08 (2)b.], standard reporting guidelines for runaway children will apply. The responding officer will assist the reporting party in locating and returning the child if they know the child's whereabouts.
- b. If it is determined the child is missing under "extenuating circumstances", the following procedures will be apply. The search for a missing child is a cooperative effort involving Denver 911, patrol districts, and the Major Crimes Division. Every missing child requires different types of investigative techniques depending on the circumstances. This procedure should be used in cases of missing children, but not every item may be used, depending on the circumstances. This policy is to be used as a guideline in a missing child case. The main goal of any search for a missing child is the safe recovery of that child.

(5) Procedures

a. Denver 911

1. Missing children that fall under "extenuating circumstances" will be dispatched as priority one or two.
2. Immediately dispatch an officer to the scene of the report and notify a district supervisor.

3. Transmit the appropriate information to all channels. A critical responsibility of the call taker is to obtain sufficient information from the reporting party and immediately air information detailing the circumstances of the child's disappearance. If there is an indication the child has been kidnapped, surrounding jurisdictions should be notified. Basic information should include the child's height, weight, hair and eye color, clothing description, and the location where the child was last seen. If the child has been abducted, the information about the possible abductor must be aired with special emphasis on the description of the suspect and vehicle used as well as direction of travel. Information regarding any prior call should be obtained and relayed to the officer responding. If possible, information can be gathered by the call taker on any prior complaints in the area the child was taken from that might have investigative value. Particular attention should be given to complaints involving enticement of children, attempted kidnappings, suspicious persons and public indecency.

b. The Patrol Response

1. Respond promptly to scene of the report.
2. Interview family member/person who made report and identify the circumstances of the disappearance.
3. **If the officer determines there are "extenuating circumstances," the MEP Unit supervisor will be contacted through Denver 911. Time is essential when investigating a missing child. The officer needs to quickly identify the circumstances of the child's disappearance to determine if a call out is necessary.**
4. Confirm that the child is in fact missing. **Search the child's house;** even if the child was reported missing from a different location, and the house has already been searched. Officers should never assume that searches have been performed in a thorough manner. Officers should search the house and surrounding area, paying attention to places a child could be trapped, sleeping, or hiding. Special attention should be given to refrigerators, freezers, fold-out couches, and vehicles, including the trunk of the vehicle.
5. If there are "extenuating circumstances," a district supervisor shall respond to the scene.
6. Obtain a detailed description of the missing child and/or suspect and vehicle and have information aired citywide and to surrounding jurisdictions. If circumstances indicate a non-family abduction, information should be given out statewide.
7. If the child has been abducted from a Denver hospital, consider setting a perimeter around the hospital to reduce possible escape routes for the suspect. Immediately notify Denver 911 to have the MEP Unit supervisor contacted.
8. Give the child's and/or suspect's information to RTD, local cab companies, and any other private or city entities whose mobility may assist in locating the child and/or suspect.
9. Verify the child's custody status and whether or not custody issues could play a part in the physical location of the child.
10. Gather a list of all family members who are not at the scene. This includes family members the reporting parties contacted but are not on scene.
11. Determine when, where, and by whom the missing child was last seen.
12. Secure videotapes/photographs of the missing child and/or the suspect.
13. Seal/protect scene where child was taken from.
14. Consider assigning personnel inside the child's home to monitor incoming calls.
15. Complete a neighborhood survey, separating witnesses who are critical to the investigation for interviews.
16. Determine if the child had access to the Internet, and advise responding detectives.
17. Determine if the child has access to a cell telephone, and advise responding detectives.

18. Determine if a grid search for the child is necessary and if so coordinate search with investigative personnel. Treat areas of interest as potential crime scenes.
19. Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance, and advise responding detectives.
20. Complete required reports and make required notifications.

c. Major Crimes Division Response

1. When a child is missing under the guidelines of "extenuating circumstances" and the MEP Unit supervisor is contacted, a determination will be made whether a call out should be made. If detectives are called out, a minimum of one detective from the MEP Unit will be called, and the need for additional personnel will be evaluated with regard to the following circumstances:
 - a. The circumstances surrounding the disappearance, which include but are not limited to, the verification of a non-family abduction.
 - b. The activation of the Amber Alert system.
 - c. The age of the child.
 - d. The mental capacity of the child.
 - e. Any evidence that indicates the child is in immediate danger.
 - f. The amount of time the child has been missing.
 - g. The number of witnesses that need to be interviewed.
2. Once a call out is initiated, the Major Crimes Division commander will be notified of the circumstances surrounding the disappearance and the number of personnel that have been called out.
3. When members of MEP Unit arrive, they will meet with the patrol supervisor to obtain the facts of the case and determine what additional steps need to be taken by the patrol district.
4. MEP Unit personnel, who respond to the scene, will investigate the child's disappearance using sound investigative techniques. The MEP Unit supervisor will go through the Missing Child Investigations Checklist to ensure that all steps pertinent to the investigation have been made.
5. Amber Alerts will be issued through the MEP Unit at the direction of the Commander of the Major Crimes Division or his/her designee. Detectives must quickly determine if the disappearance falls under the criteria for an Amber Alert. If it does, the information on the disappearance should immediately be given to the Colorado Bureau of Investigation.
 - a. Amber Alert criteria
 1. The child must be 17 years of age or younger.
 2. The child must be in immediate danger of serious bodily harm or death.
 3. There must be enough descriptive information to believe a broadcast will assist or help in the recovery.
6. Along with the ongoing investigation, if an Amber Alert is issued the following shall **IMMEDIATELY** take effect:
 - a. Personnel will be assigned to answer telephones in the Major Crimes Division;
 - b. Lead sheets will be completed on all calls and reviewed by a supervisor, who will assign personnel to investigate pertinent leads on the case;
 - c. A determination will be made by the Major Crimes Division commander or his/her designee if the command post will be brought to the scene of the disappearance. If the command post is used, it will be set up away from the parents' home and away from the media;

- d. The Public Information Officer (PIO) will be notified and respond to the scene. The PIO will set up a staging area for the media that is away from the crime scene, the command post, and the victim's home.
- 7. Use of canines for missing/abducted persons investigations:
 - a. Front Range Rescue Dogs search teams may be called out in the following instances:
 - 1. The search for missing children;
 - 2. The search for missing elderly persons with diminished ability due to an age-related malady, disability, or memory loss;
 - 3. The search for a special needs person of any age with a physical or mental disability, which subjects that person to danger.
 - b. A member of the MEP Unit will determine the need for the Front Range Rescue Dogs search team after considering the following:
 - 1. The amount of time the person has been missing;
 - 2. The circumstances surrounding the incident;
 - 3. Whether the incident is related to a criminal event.
 - c. If the incident fits the criteria for the use of Front Range Rescue Dogs search team, the MEP Unit detective will:
 - 1. Contact a K-9 Unit or METRO/SWAT supervisor to determine if a Denver Police Department K-9 would be feasible for the search;
 - 2. If METRO/SWAT K-9s are not suitable for the search, the Denver 911 supervisor will be contacted to check the availability of a Front Range Rescue Dogs search team.
 - d. Denver 911 will be responsible for the following:
 - 1. Once a request has been made, the Denver 911 supervisor will verify that a METRO/SWAT supervisor has been contacted and a department K-9 will not respond;
 - 2. Calling the Boulder County Sheriff's Office Dispatch Center, 303-441-4444, to request a Front Range Rescue Dogs search team trailing dog;
 - 3. Supply the call taker the name and phone number for the MEP Unit detective on-scene. The MEP Unit detective will be contacted by the on-call representative and/or the responding team member from Front Range Rescue Dogs;
 - 4. If a team is available, an estimated time of arrival will be requested.
 - e. Front Range Rescue Dogs (FRRD) search teams consist of one handler, one dog, and one operational support member:
 - 1. FRRD teams will be accompanied by a minimum of one uniformed Denver Police Officer;
 - 2. FRRD handlers or support members will not be left unescorted at any time during the search;
 - 3. If during the search it is determined that a crime has occurred or a suspected crime scene is discovered, the search will stop immediately. Denver Police Department personnel will secure the scene and notify the MEP Unit detective on scene.
- d. Missing Child Investigative Checklist

Note: This is to be used by members of the Major Crimes Division when they are called out on a report of a missing or abducted child. Not every item in this list may be used depending on the circumstances. This is to be used as a guideline in cases of missing children.

1. Verify that the child is in fact missing. When MEP Unit detectives arrive, they will search the house, even if patrol officers have already done a search. Be aware that a small child can fit into a very small space. Detectives should pay particular attention to fold out couches that are inside the home and other areas where the child's breathing may be restricted.
2. Verify a missing child's custody status. Identify legal guardians.
3. Determine if the case fits the criteria for an Amber Alert. If it does, detectives must contact the Colorado Bureau of Investigation to issue the Amber Alert. This should be done as quickly as possible.
4. Document the crime scene on child abductions to include videotaping where the child was taken from.
5. Obtain a photograph of the victim and create flyers for distribution through the National Center for Missing and Abducted Children's Locator program.
6. Consider the need for a telephone hotline. This is required if an Amber Alert is issued.
7. Contact the National Center for Missing and Exploited Children.
8. Assign a scribe.
9. Ensure that the description of the missing person has been broadcast to Denver and surrounding law enforcement jurisdictions.
10. Notify the media and other city agencies as appropriate. The PIO should be utilized for release of information to the media. Due to their mobility, bus and taxicab companies should be notified as well.
11. Have the child put on NCIC.
12. For a missing child, identify their "zone of safety" with consideration of their age and developmental stage.
13. Search the victim's house and room for leads.
14. Determine if the child had access to a computer that is hooked up to the Internet. If so, check the computer for any leads.
15. Document the crime scene or the location where the victim was last known to be.
16. Interview reporting parties and the victim's family. If necessary, polygraph personnel can be utilized in the investigation.
17. Interview the individuals who were last in contact with or who last saw the victim.
18. Interview all other parties who may have information regarding the victim.
19. Police Department personnel should remain with the parents or reporting parties at all times that there is an active search for the victim. Notes should be taken of all statements made by these persons. Patrol officers may be utilized for this, but should remain close to the reporting parties to hear any conversation.
20. Determine if the family has had parties to the house who are out of the ordinary. For example, repairmen or other workers.
21. If there is no one else at the victim's home or at the victim's parent's home, an officer should be assigned to intercept all telephone calls. Recording equipment should be considered.
22. Check cars in the area and have the trunks of the cars opened.
23. Consider the use of volunteers to assist in the search. The use of volunteers should be carefully considered because of the possibility of crime scene contamination. A possibility also exists that a suspect may want to be part of the search. The use of volunteers must be approved by the Major Crimes Division commander and coordinated by MEP Unit personnel.
24. Ensure all leads are being recorded and followed up on as appropriate.
25. Document the perimeter of any search and consider modification of this perimeter.

26. Conduct a neighborhood survey. Officers conducting this should additionally document all license plates in the neighborhood. MEP Unit detectives will research these license plates.
 27. Establish a command post if necessary. This should be located away from the victim's home. A separate media staging area can be established as well, which should be away from both the command post and the home.
 28. Contact air support (Air 1) for searches that involve large areas.
 29. Search dogs may be considered, if appropriate.
 30. Consider the use of ITN (Intrado Target Notification) to contact homes near where the child was missing from. While the facts of the case will determine the distance of the Emergency Phone Notification (EPN) launch, the smallest distance should be considered based on those facts. The following should be considered before launching an EPN:
 - a. The risk of serious bodily injury or death to the missing child and/or adult;
 - b. The amount of time the child or adult has been missing;
 - c. Information that indicates an EPN launch would help in locating the child or adult;
 - d. The missing child and/or adult involves extenuating circumstances;
 - e. Any EPN launch initiated for the Major Crimes Division must first be approved by the commander of that division.
 31. Conduct records research/criminal history searches on all involved persons.
 32. Retrieve all prior information on the family from DDHS at 720-944-3000.
 33. If there is any indication the child may have been kidnapped, retrieve a copy of all registered sex offenders who live/work in the area the child was last seen.
 34. Contact all family or friends of the child and the child's family, who are not on scene. This includes parties the family has already contacted, but are not present.
 35. If appropriate, contact Denver Public Schools to obtain contact information for students who go to school with the victim.
 36. Consider retrieving medical and dental records for later use.
 37. Consider getting a sample of the child's hair for DNA purposes.
 38. The Commander of the Major Crimes Division will determine what further investigative steps will be completed after all leads have been exhausted.
- e. Recovery of the Child/Reunification with the Family
1. MEP Unit personnel will be responsible for notifying the appropriate agencies when the child is recovered and canceling the NCIC pickup, CCIC/NCIC Wanted/Missing Person, DPD 110/252.
 2. When a child is recovered, officers should not question the child. The MEP Unit detective will respond to the location of the recovery.
 3. The child should be interviewed by MEP Unit personnel who are trained in the forensic method of interview. If information from the child is immediately necessary, this should be done by the MEP Unit detective.
 4. Be aware of evidence that may be on the child and/or the child's clothing.
 5. The release of the child to the family will be done by MEP Unit personnel. Family members should not be taken to the scene of the recovery.
 6. MEP Unit personnel will consider contacting DDHS in assisting with placement of the child and/or reunification with the family.
 7. MEP Unit personnel will consider calling the Victim's Assistance Unit to assist the family with services

309.00 – BIAS-MOTIVATED CRIMES

309.01 Overview

- (1) It is the policy of the Denver Police Department to protect the rights of all individuals regardless of their race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon these rights are considered to be very serious and will be given high priority by the department.
- (2) A person commits a bias-motivated crime if, when 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:
 - a. Knowingly causes bodily injury to another person; or
 - 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; or
 - c. Knowingly causes damage to or destruction of the property of another person. See C.R.S. §18-9-121 (2).
- (3) General Occurrence Reports (GO)
 - a. All incidents of bias-motivated crimes are to be documented using a General Occurrence report, DPD 250.
 - b. In the narrative, describe specific factors that led to the determination of a possible hate crime. Use exact language when noting either oral statements or written expressions made by the offender. Be specific when citing or describing the motivation for bias.
- (4) Officers responding to bias-motivated crimes should be aware that these crimes are unique. Victims are targeted solely because of their identity or individual characteristics and often feel humiliated or fear having their privacy compromised. Officers shall complete the following steps when responding to bias-motivated crimes:
 - a. Look for signs, symbols, or other evidence that may indicate a bias-motivated crime.
 - b. Request that a supervisor respond to the scene.
 - c. Preserve the crime scene; collect and photograph physical evidence.
 - d. Obtain thorough written statements from the victim(s) and or witnesses.
 - e. Request the services of the Victim Assistance Unit.
- (5) Detectives assigned to the Domestic Violence Unit will investigate all reported cases of bias-motivated crimes. The following shall be completed in conjunction with the investigation:
 - a. The assigned detective will ensure a complete and thorough investigation into every reported incident of bias-motivated crime.
 - b. The Commander of the Major Crimes Division will receive a copy of every completed bias-motivated case through the chain of command.
 - c. For purposes of quality control, the Commander of the Major Crimes Division or his/her designee will record relevant data associated with NIBRS Reporting. Comparisons will be made with the Data Analysis Unit to ensure the accuracy of annual statistical reporting.
 - d. In accordance with the Colorado Victim Rights Amendment (VRA), individuals victimized by bias-motivated crime have specific rights afforded to them under this constitutional amendment. Among them are:
 1. Any person who is a victim of a criminal act, or such person's designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process. All terminology, including the term "critical stages," shall be defined by the general assembly.

2. The decision not to file charges is now a “critical stage.” Victims have the right to be informed (but not present) of decisions not to file charges in a VRA case. The investigating detective will be responsible or notifying victims of filing decisions and documenting the details of the notification in the supplementary report.

310.00 – ASSAULT TO PEACE OFFICER INVESTIGATIONS – *New Section (05-2011)*

310.01 Overview

- (1) To ensure compliance with Colorado State Statutes and the Operations Manual of the Denver Police Department, this section shall delineate measures for notification of victims, documenting information, and reviewing Assault to Peace Officer cases.

310.02 Colorado State Statutes and Denver Police Department Policy

- (1) Colorado Victim Rights Statute, C.R.S. §24-4.1-302.5 requires that police officers provide certain information to victims of specified criminal acts that include:
 - a. Any crime of violence reported as a violation of state statute (e.g. murder, kidnapping, robbery, assault, sexual assault, harassment by stalking, ethnic intimidation, etc)
- (2) Operations Manual Section (OMS) 104.40 requires officers to comply with the Colorado Victim Rights Statute, C.R.S. §24-4.1-302.5 and complete the following:
 - a. Officers and investigating detectives shall, at a minimum, advise crime victims described in C.R.S. §24-4.1-302.5, of the following information:
 1. The telephone number for the Denver Police Department Victim Assistance Unit
 2. Detectives assigned to investigate Assault to a Peace Officer cases shall ensure that a copy of the General Occurrence (GO), and/or case documents showing a phone number or location where the victim(s) can be contacted is immediately forwarded to the Victim Assistance Unit
 3. The Victim Assistance Unit will contact the victims and provide the needed information and assistance
- (3) OMS 14.25 Duties and Responsibilities requires detectives to attempt notification of crime victims any time there is a change in the status of their case and include the details of the status change and the victim notification in their supplemental report.

310.03 Definitions

- (1) Peace Officer:
 - a. C.R.S. §18-3-201 (2) defines a peace officer as a person described in §16-2.5-101, C.R.S. and certified by the Peace Officer Standards and Training Board (P.O.S.T.), who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer. This applies whether or not the peace officer is within the territorial limits of his or her jurisdiction, if the peace officer or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward such peace officer or firefighter knows or reasonably should know that the victim is a peace officer.
 - b. A peace officer includes non-certified deputy sheriffs described in C.R.S. §16-2.5-103 (2).
 - c. For purposes of this section, 'federal law enforcement officer' means persons employed as full-time law enforcement officers by the federal government authorized to carry firearms while performing their duties and make forcible arrests when necessary.
- (2) Offenses:
 - a. Scope of police duties for purposes of assault statutes: A law enforcement officer is "engaged in the performance of his duties" while making, in good faith, an arrest or stop which may be later adjudged to be invalid, unless he is on a personal frolic or resorts to unreasonable or excessive force.

- b. A person violates C.R.S. §18-3-202 (1) (e), Assault in the First Degree if:
 - 1. A person acting with intent to cause serious bodily injury upon the person of a peace officer threatens a peace officer engaged in the performance of his or her duties with a deadly weapon and the offender knows or reasonably should know that the victim is a peace officer acting in the performance of his or her duties.
- c. A person violates C.R.S. §18-3-203 (1), Assault in the Second Degree if:
 - 1. With intent to prevent one whom he or she knows, or should know, to be a peace officer from performing a lawful duty, he or she intentionally causes bodily injury to any person.
 - 2. While lawfully confined or in custody, he or she knowingly and violently applies physical force against the person of a peace officer or firefighter engaged in the performance of his or her duties
- d. A person violates C.R.S. §18-3-204 (1), Assault in the Third Degree if:
 - 1. The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon.
 - 2. A person, with intent to infect, injure, harm, harass, annoy, threaten, or alarm another person, whom the actor knows or reasonably should know to be a peace officer, a firefighter, or an emergency medical technician, causes such other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means, including, but not limited to throwing, tossing, or expelling such fluid or material.
- e. A person violates Denver Revised Municipal Code (DRMC) Sec. 38-93 - Assault if:
 - 1. It shall be unlawful for any person to intentionally or recklessly assault, beat, strike, fight or inflict violence on any other person.

310.04 Reporting and Investigative Procedures: (REV. 03-2013)

- (1) General Occurrence Reports (GO)
 - a. Officers shall report and document all initial incidents of Assault to a Peace Officer using the General Occurrence Report .
 - b. Title the report Assault to a Peace Officer as the primary offense.
 - c. In the narrative, describe specifically the circumstances of the incident that support the elements of Assault to a Peace Officer.
 - d. Obtain detailed statements from all victims, witnesses, and suspects involved in the incident.
 - e. Follow the procedures outlined in OMS 301.02 when interviewing witnesses or suspects.
 - f. Officers with questions about procedures or needing assistance during the initial investigation shall contact a district detective unit supervisor or detective in the district where the assault occurred. General assignment detectives assigned to the Major Crimes Division are also available to provide assistance when the offense/investigation transpires after normal business hours. .
 - g. Shootings of a peace officer shall follow the investigative protocols outlined in OMS 105.04.
- (2) Assignment and Investigation
 - a. District investigations units will investigate all reported cases of Assault to a Peace Officer unless directed otherwise by the Commander of the Major Crimes Division. .
 - b. The assigned detective will ensure a complete and thorough investigation and shall document all facts, circumstances, and elements of the incident within their supplemental report.
 - c. Assigned detectives shall compare the circumstances and evidence of the incident delineated in their case file, to the elements required by the Colorado Revised Statutes as it pertains to the Assault to a Peace Officer.
 - d. Assigned detectives shall personally contact the victim officer and inform them of the investigative process that will occur.

- e. Assigned detectives shall attempt contact and interviews with all victims, witnesses, and suspects identified and linked to the Assault to a Peace Officer incident. Assigned detectives shall interview and re-interview victims, witnesses, and suspects, as necessary, to complete a thorough investigation.
- f. Assigned detectives shall conduct all additional inquiry necessary to ensure a thorough investigation that includes, but is not limited to crime scene examination, evidence collection, witness location, photographing injuries, and laboratory testing.
- g. Detectives shall document all investigative effort within the supplementary report of the case file.

(3) Investigative Review and Presentation to the District Attorney

- a. The investigating detective shall present the case file to the District Attorney for consideration of formal charges. During the presentation meeting, the investigating detective shall discuss supporting evidence and information, as well as weakness of the case file considering all included investigative material. The investigating detective shall document the presentation meeting and filing decision of the District Attorney in their supplemental report.
- b. Irrespective to the decision of the District Attorney, the actions taken by the investigating detective signals a status change in the case that requires victim notification. In accordance with the Colorado Victim Rights Amendment (VRA), individuals victimized during an Assault to a Peace Officer incident have specific rights afforded to them under this constitutional amendment.
 - 1. The investigating detective will be responsible for notifying victims of District Attorney filing decisions and documenting the details of the notification in the supplementary report.
 - 2. When the District Attorney accepts the case for filing, the investigating detective shall only notify the victim officer of the case acceptance and inform them that the victim assistant for the District Attorney will contact the officer regarding future court activities.
 - 3. When the District Attorney refuses the case or suggests city charges, the investigating detective shall inform the victim officer of the decision and describe, as best as practical, the reasons for the decision.
 - A. When the District Attorney suggests city charges in cases where the victim is a police officer, the investigating detective shall contact the City Attorney to discuss the investigation, and to ensure the investigation meets all elements of the offense.
 - B. Irrespective to the City Attorney's decision to file charges, the investigating detective shall note the decision within their supplemental report. The investigating detective shall also notify their commanding officer and the affected officer(s) of the decision.
 - 4. When the District Attorney rejects the case for additional investigation, the investigating detective shall inform the victim officer that further investigation is occurring and that the investigating detective shall notify them as new information becomes available.
 - 5. Although unusual with this type of investigation, when the investigating detective cannot support a filing and inactivates the case, the investigating detective shall consult with their supervisor and command prior to case inactivation. Should all concur that there is nothing further to pursue at that time, the investigating detective shall notify the victim officer of the decision and answer questions that would not compromise any future investigation should new information become available.
 - 6. The Commander of the Major Crimes Division will receive a copy of every completed Assault to Peace Officer case through the chain of command.

SERIES 400.00**JUVENILE PROCEDURES****401.00 Introduction****402.00 Juvenile Forms and Usage**

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406.00 Missing Persons

DELETED 11-06 - SEE THE MISSING AND EXPLOITED PERSONS UNIT SECTION 308.00

407.00 Juvenile Order Ins

- 407.01 Order Ins to Investigative Units
- 407.02 Time and Place of Juvenile Order Ins

400.00 - JUVENILE PROCEDURES

401.00 Introduction

- (1) The procedures established by the Denver Police Department for handling persons who have not reached their eighteenth (18) birthdays are influenced by the Colorado Revised Statutes and the policies of the Denver Juvenile Court.
- (2) A "delinquent child" is defined as any child under eighteen (18) years of age who has violated any state law or municipal ordinance, other than state traffic or game and fish laws or regulations or municipal traffic ordinances, regardless of where the violation occurred.
- (3) Juveniles may be taken into custody (ordered-in or incarcerated) for felonies, misdemeanors and ordinance violations upon probable cause. The Children's Code states that a juvenile may be taken into custody "when there are reasonable grounds to believe that an act has been committed that would be a felony, misdemeanor or municipal ordinance violation if committed by an adult". A Juvenile Arrest must meet the same level of probable cause as would be required in an adult arrest. This probable cause must be articulated in all the reports relating to the arrest.
- (4) The Juvenile Summons and Complaint is used to order a juvenile offender directly into County Court for violations of city ordinances. County Court has limited sentencing and penalty powers, and is only meant to handle minor criminal offenses. Per Denver City Charter Section 34-17, the county court can fine a minor up to \$999.00 per offense, place the juvenile on probation or order the minor to attend a counseling program approved by the court.
- (5) The Juvenile Intake Desk is designed to facilitate the processing and placement of juveniles taken into police custody. On a case-by-case basis, officers are encouraged to use their discretion and best judgment in deciding what action is to be taken in dealing with juveniles and to take into consideration what would best serve the needs of all concerned parties.
 - * Lecture and release to parents
 - * Order-in to concerned investigative unit
 - * Order-in to Juvenile Court (191J) for minor city ordinance violations
 - * Arrest for misdemeanor and felony offenses

402.00 - JUVENILE FORMS AND USAGE

402.01 Juvenile Case Summary, DPD 107

- (1) The Juvenile Case Summary will be completed when a person under eighteen (18) years of age is:
 - a. Arrested for violation of any law other than ordinance violations
 - b. Removed from the custody or control of a parent or guardian and placed in a hospital or shelter.
 - c. In every case where there is reported or suspected child abuse or neglect.
- (2) Every Juvenile Case Summary must have a log number and computer number, obtained from the Juvenile Intake Unit.
- (3) **THE ORIGINAL JUVENILE CASE SUMMARY SHALL BE LEFT OR SENT VIA INTER-DEPARTMENT MAIL TO THE JUVENILE RECORDS UNIT, IN EVERY CIRCUMSTANCE.**
- (4) A copy of the Juvenile Case Summary will accompany the juvenile who is placed in detention, shelter or a medical facility.
- (5) Two (2) copies of the Juvenile Case Summary will be made in all circumstances where a juvenile is arrested on probable cause for a felony or C.R.S. misdemeanor, or pursuant to a probable cause warrant. Distribution of the copies is directed by specific subsections of the Juvenile Procedures.
- (6) Additional copies and directions for distribution are required by some subsections of the Juvenile Procedures.

402.02 Request to Appear, DPD 75. See OMS 407.01

- (1) This form originates with an officer or detective desiring to order a juvenile into an investigative unit for investigation of a suspected law violation other than an ordinance violation.
- (2) The distribution of the order-in is indicated on the face of the form.
- (3) The number three copy of the order-in should accompany all other paperwork documenting the contact with the juvenile and the preliminary investigation. This paperwork should be left at the appropriate investigative bureau, section, or unit or forwarded through inter-department mail.

402.03 Juvenile Advisement/Waiver, DPD 102

- (1) Prior to questioning a juvenile about any suspected offense, the officer must complete the Juvenile Advisement/Waiver.
 - a. A parent or legal guardian must be physically present during the advisement and questioning, except as provided in subparagraph d., below.
 - b. Prior to any questioning, the parent/guardian must be given the opportunity to confer privately with the juvenile.
 - c. The advisement portion of the Juvenile Advisement/Waiver must be signed by the parent or guardian and the juvenile.
 - d. The parent/guardian and the juvenile may agree to waive the presence of the parent or guardian during questioning. If so, both must sign the Waiver of Presence located on the back of the form.
 - e. A bilingual juvenile suspect cannot be used as an interpreter for a non-English speaking parent/guardian for purposes of the Juvenile Advisement/Waiver and parent or guardian consent.
- (2) The Juvenile Advisement/Waiver shall be left with, or sent to, the appropriate investigative bureau, section, or unit. Final disposition of the form and all needed copies will be made by the assigned investigator.

402.04 Juvenile Wanted Information, DPD 109

- (1) This form is completed by the Missing Persons Unit or, after hours, the Juvenile Intake Unit at the Police Administration Building. It records biographical and family data used by Missing Persons Unit detectives to confirm identity of juveniles reported missing or found.

402.05 Request for Apprehension of a Runaway Child, DPD 100

- (1) This form normally originates at the Missing Persons Unit or, after hours, the Juvenile Intake Unit at the Police Administration Building. The form is signed by a parent or guardian when reporting a child as missing or as a runaway. Exception may be required to accommodate a disabled parent or guardian.

402.06 Deleted

402.07 Juvenile Summons and Complaint/Warrant, DPD 386

- (1) The Juvenile Summons & Complaint, JS&C, DPD 386, may be used to order a juvenile offender directly into County Court. It may also be used to apply for an arrest warrant for certain violations of the Revised Municipal Code of the City and County of Denver when completed and attached to a Wanted Person Form, DPD 252. The wrap-around cover of each booklet of the JS&C forms contains the District Attorney's filing guidelines for juvenile offenses. DPD policies and the District Attorney's guidelines must always be followed.
 - a. A supervisory officer shall review all JS&C forms and JS&C Warrants BEFORE forwarding them to the Juvenile Intake Unit to ensure compliance with this policy. D&R 8.12 for Supervisory Officers states, "They shall see that their subordinates make all required reports promptly and such reports shall be accurate, complete and on the proper forms."
 - b. Supervisors shall immediately return JS&C forms or JS&C Warrants to the issuing officer that are not in compliance with this policy and ensure that the required reports are completed.
 - c. All completed JS&C forms and JS&C Warrants will be sent to the Records Bureau in an Inter-Department envelope in the daily mail. The Records Bureau will make copies of any JS&C form or JS&C Warrant marked, "On Probation" and forward those JS&C copies to the Probation Department to serve as notification that a juvenile on probation has been issued a JS&C. The probation officer will then decide if the juvenile's probation should be revoked.
 - d. Judges or prosecutors assigned to Courtroom 191J may return a JS&C form or JS&C Warrant to the Juvenile Intake Unit if it is not properly completed and in full compliance with this policy. (Refer to section (3) of this policy.)
 - e. The Juvenile Intake Unit will log the returned JS&C forms or JS&C Warrants and hand carry the returned JS&Cs or JS&C Warrants to the Division Chief of the officer who completed the forms.
 - f. The appropriate Division Chief will immediately forward JS&C forms or JS&C Warrants returned from Courtroom 191J to the Commander of the officer who prepared them. The officer's Commander will ensure that the necessary reports are properly completed. (Refer to section (3) c of this policy.)
 - g. The completed paperwork and a copy of the returned JS&C form or JS&C Warrant will be hand carried to the Juvenile Intake Unit within 48 hours. The Juvenile Intake Unit will log the case as "Returned" and coordinate the processing of the correct paperwork with the appropriate investigative unit.
 - h. The supervisor of the Juvenile Intake Unit will notify the appropriate Division Chief if the completed paperwork is not returned within 48 hours.
 - i. If necessary, a detective will investigate the case and present it to the District Attorney for determination of applicable charges. The returned JS&C form or JS&C Warrant will be attached to the case filing. If necessary, the assigned detective will ensure that the charges associated with the JS&C form are dismissed.

- j. Questions about this policy should be immediately addressed with the Juvenile Intake Unit (24/7) at 720-913-6745.
- (2) The JSS&C Warrant may be used when:
- a. A juvenile's identity and date of birth can be verified.
 - b. A juvenile is charged with a non-traffic violation designated by the District Attorney to be filed in County Court.
 - 1. If an incident involves both a traffic charge, which is classified as a Criminal or Designated Criminal Violation and another ordinance violation, the Juvenile Summons & Complaint/Warrant will be used for all charges.
 - 2. If the incident also involves a traffic charge, which is classified as an Infraction, both a JS&C/Warrant and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued.
- (3) The JS&C / Warrant shall not be issued to a juvenile
- a. As an order-in to an investigative bureau, section, or unit.
 - b. When the juvenile's identity cannot be verified.
 - c. In cases involving the following violations, officers will complete an Offense/Incident Report, victim and witness statements, and a Juvenile Case Summary.
 - 1. Domestic Violence (C.R.S. §18-6-800.3)
 - 2. Weapons violations, including possession of a firearm by a juvenile. This also includes ALL KNIVES, BB guns, pellet guns, and all other devices that throw or project a missile.
 - 3. Offenses committed by a juvenile while in a detention center, halfway house treatment facility, shelter, or any other place used to confine juveniles
 - 4. Assaults or threats to a school administrator, teacher, or other staff member
 - 5. Prostitution or soliciting for prostitution
 - 6. Sex Crimes including Indecent Exposure
 - 7. Assaults that cause injury to the victim which requires medical treatment (including x-rays or stitches)
 - 8. Graffiti cases with the exception of Possession of Graffiti Materials. (Most cases will be charged as C.R.S. §18-4-509 Defacing Property.)
 - d. When charging offenses for which the District Attorney's Office directs a filing in Denver Juvenile Court, designated offenses and circumstances will be addressed in accordance with the provisions of OMS 405.04 - Non-Felony Discretionary Holds.
- (4) Completing the Juvenile Summons and Complaint (JS&C Form)
- a. Before issuing a JS&C, an arresting officer must contact the clearance channel to determine if the juvenile is wanted on other charges or is on probation. The box labeled "On Probation" must be marked "yes" or "no" on the JS&C.
 - b. The top half of the form is completed and processed in the same manner as the General Session Summons and Complaint, although some unique information is required, namely:
 - 1. The name and address of the parent or guardian
 - 2. The juvenile's school and grade
 - 3. If the offense occurred in a park, the name and address of the park must be indicated in the "location of offense" section.
 - 4. The probation status of the juvenile
- (5) Using the form as a summons

- a. The JS&C form is used as a summons into court when a juvenile identified in a complaint is in custody or when the officer is in contact with a relative of the suspect who is over the age of eighteen.
- b. Complete the top half of the form and check the appropriate probation status box and the type of service box. Indicate the charge(s) by checking the box next to a preprinted violation or write in the violation in the "Other Violations" Section. Enter the court date and time obtained from the clearance channel. If the only charge is curfew, advise the clearance channel so that they may provide the appropriate "Curfew Only" court date and time.
- c. The JS&C may be served in three ways:
 1. Upon the defendant: a juvenile is in custody and is being served.
 2. Upon a parent or relative over the age of eighteen: write in the name and relationship of the person.
 3. By certified mail: a detective has established the identity, age and current address of a juvenile suspect but has been unable to serve the juvenile, the juvenile's parents or an adult member of the juvenile's family.
- d. After the top half of the form is completed, a juvenile will be served and released.
- e. Check the box "Summons & Complaint"
- f. The "Probable Cause" section on the front of the form should be used to establish the elements of the offense.
- g. Witness information or additional notes shall be written on the back of copy #3 – "Investigating Officer's Notes."
- h. Mark through the notary and warrant sections on the bottom of the form.

(6) Using the JS&C Form as a Warrant

- a. The minimal information necessary for the affidavit for an arrest warrant is that sufficient probable cause exists to believe that the named suspect committed the violation, the suspect is identifiable and the officer must have the suspect's name and date of birth.
 1. If the name and date of birth are not available, an Offense/Incident Report must be completed.
 2. If sufficient identifying information is available but the named suspect or family member cannot be located, complete as much of the biographical information as possible and enter the appropriate charge(s).
 3. Do not complete service information or assign a court date.
- b. Check the "Affidavit" box and complete the probable cause section. If additional space is needed, use the Affidavit, cont., DPD 236B.
- c. Have the form notarized and complete DPD F 252/110, Wanted/Missing Person.
- d. Completed paperwork will be sent to the ID Section in the routing envelope, DPD 236A.
- e. Serving the warrant
 1. Juveniles wanted on JS&C Warrants must be processed through Juvenile Intake prior to service of the warrant.
 2. Obtain a court date from the clearance channel, complete the "Service" section on the bottom of the form, serve the defendant and release
 3. Information concerning the arrest should be noted on the back of copy #4, "Arresting Officer's Notes".

(7) Juveniles on probation

- a. Juveniles on probation may not be issued a JS&C in cases involving:
 1. Assault
 2. Domestic Violence

3. Weapons Violations
 4. Offenses committed in a detention center, halfway house, treatment facility, shelter or other places used to confine juveniles
 5. Threats or assaults to school administrators, teachers, or other staff members
 6. Prostitution or soliciting for prostitution
 7. Marijuana use or possession (regardless of amount)
 8. Graffiti cases (Possession of Graffiti Materials may be charged on a JS&C)
- b. Juveniles on probation, charged with any of the above eight offenses, are processed through Juvenile Intake in accordance with the provisions of OMS 405.04, Non-Felony Discretionary holds.

402.08 Order for Release of Juvenile Hold, DPD 111

- (1) This form is used by an investigator to release a police hold on a juvenile held at Denver Health Medical Center or any other hospital.

402.09 Mandatory Hold Withdrawal, DPD 64

- (1) This form is used by an investigator to release a mandatory police hold on a juvenile held at the Gilliam Youth Services Center.
- (2) This form must be hand-carried or faxed to the intake Juvenile Probation Officer at the Gilliam Youth Services Center.

402.10 Denver Police Department Protective Custody Notice/Request to Appear, DPD 140

- (1) This form is prepared by an officer or investigator to advise the parent or guardian that a juvenile has been taken into protective custody by the Denver Police Department, advises the parent or guardian of their parental rights and serves as an order-in to the Family Crisis Center.
- (2) Distribution of the original and copies is directed on the face of the form.

402.11 Juvenile Promise to Appear, DPD 28

- (1) This form will be prepared for a juvenile who is arrested for probable cause or pursuant to a probable cause warrant and is:
 - a. Taken to a shelter to be released to a parent/guardian: Copies one through three of the complete Promise to Appear will be left at the shelter for completion of service. The fourth copy will be sent via inter-department mail to the responsible investigative bureau, section, or unit.
 - b. Released to a parent/guardian with an order-in to an investigative bureau, section, or unit: The parent/guardian will be required to sign the Promise to Appear. The #1 copy will be given to the juvenile and the parent/guardian. Remaining copies will be sent via inter-department mail to the responsible investigative bureau, section, or unit.
- (2) The appearance date will be three (3) weeks from the date of service. If this date falls on a Saturday, Sunday, or holiday, the appearance date will be the first working day following the weekend or holiday.

403.00 - JUVENILE PROCESSING**403.01 Juvenile Arrest/Custody Processing**

- (1) IN EVERY INSTANCE WHERE AN ARREST/CUSTODY OF A JUVENILE IS MADE, THE JUVENILE INTAKE UNIT MUST BE PHONED AND THE INFORMATION PROVIDED FOR THE JUVENILE INTAKE LOG. THE JUVENILE INTAKE UNIT PHONE NUMBER IS 720-913-6745.
- (2) Juvenile felony arrests (mandatory or discretionary) shall be processed by:
 - a. Taking the arrested juvenile directly to the Juvenile Intake Unit.
 1. After processing, the juvenile will be transported to the Gilliam Youth Services Center, by the Juvenile Intake Unit or arresting officers.
 2. A copy of the Juvenile Case Summary will be taken to the intake Juvenile Probation office at Gilliam.
- (3) Juvenile misdemeanor arrests, for which a hold is sought, shall be processed by taking the arrested juvenile to the Juvenile Intake Unit for processing. The Juvenile Probation officer at the Juvenile Intake Unit shall determine whether the arrested juvenile will be held pursuant to the conditions outlined in OMS 405.04(2)a. and b.
- (4) Arrests for those ordinance violations which are designated by the District Attorney to be handled as filings in Denver Juvenile Court are processed in the same manner as misdemeanor arrests or order-ins. See OMS 402.07(1)a., 403.01(2), and 407.01.
- (5) Juveniles arrested pursuant to warrants will be processed by:
 - a. Taking the arrested juvenile to the Juvenile Intake Unit for warrant verification and processing.
 1. The verified warrant will be:
 - a. Picked up in person at the Identification Section, or
 - b. Received by FAX at any police facility, prior to officers transporting the juvenile to the Juvenile Intake Unit.
- (6) Order-ins may be processed by:
 - a. Having a parent/guardian respond to any police facility to pick up the juvenile and receive the order in.
 - b. Transporting the juvenile home if the parent/guardian is present but cannot respond to pick up the juvenile.
 - c. If a parent/guardian cannot be contacted, refuses to accept the juvenile at home, or refuses to pick up the juvenile, the juvenile will be taken to a shelter designated by the Family Crisis Center, phone 720-944-3000.
- (7) Children taken into protective custody WILL NOT BE BROUGHT TO THE POLICE ADMINISTRATION BUILDING. See OMS 403.03(1). These children will be taken to a shelter designated by the Family Crisis Center (720-944-3000) or to Denver Health Medical Center. See OMS 403.03(4)b.
- (8) Located missing or runaway juveniles.
 - a. When officers locate a missing or runaway juvenile, they shall complete a Juvenile Case Summary, DPD 107.
 - b. Apprehended Denver runaways will be:
 1. Released to a parent or guardian at the scene of apprehension if the parent/guardian accepts custody.
 2. Released to a responding parent/guardian at a police facility.
 3. Taken home if phone contact with the parent/guardian establishes that the parent/guardian will accept custody but lacks transportation or is disabled.

4. Taken to a shelter if a parent/guardian will not respond, cannot be contacted, or refuses to accept custody. The Family Crisis Center will be contacted at 720-944-3000 for determination of a shelter location. This course of action will be the last course of action considered. The narrative of the Juvenile Case Summary will include full documentation, including names and phone numbers of persons contacted, which caused this last disposition to be reached.
- c. Apprehended non-Denver runaways will be placed in a shelter designated by the Family Crisis Center, 720-944-3000, unless:
1. A parent/guardian or a law enforcement officer from the initiating jurisdiction is present at the scene of apprehension and is willing to take custody of the runaway juvenile.
 2. A law enforcement agency of an adjoining jurisdiction from which the juvenile is being sought agrees to respond to meet Denver officers at any location for transfer of the juvenile.
 3. CCIC/NCIC will notify the originating agency of the apprehension. Officers will not need to make notification to the parent/guardian.
 4. Placing in a shelter will be the last course of action for juveniles sought by law enforcement agencies which adjoin Denver. The Juvenile Case Summary narrative will include full documentation concerning the refusal of the law enforcement agency to meet Denver officers for transfer of the juvenile. The name of the person contacted, if known, will be included.
- d. Apprehended out-of-state runaways will be held in a staff secure detention facility. The juvenile must be processed by the arresting officers who will verify the pickup in person at the Identification Section, and then take the juvenile to the Juvenile Intake Unit. The Juvenile Intake Unit will maintain a list of staff secure detention facilities where juveniles will be placed. A Juvenile Case Summary and pickup verification will go with the juvenile to the facility.
- e. Runaway juveniles now eighteen (18) years of age or older
1. These individuals will be handled as adult missing persons. See OMS 308.10, Located Missing Persons.
 2. The Missing and Exploited Persons Unit (MEP Unit) on-call supervisor or detective should be contacted immediately if there is any evidence that the person is not exercising free will.
- f. Juvenile Runaways from Mental Health Facilities
1. Juveniles, who are certified as mentally ill, will be returned to the mental health facility if that facility is located in the City and County of Denver. If the facility is outside Denver, contact the intake Juvenile Probation officer for assistance.
 2. Juveniles who are not certified as mentally ill may be returned to the facility if that facility accepts custody of the juvenile and if the facility is located in the City and County of Denver. Contact the Intake Juvenile Probation officer for assistance.
 3. In instances where a juvenile runaway from a mental health facility is also apprehended for the commission of an offense:
 - a. A juvenile who is certified mentally ill will be returned to the facility if it is located in the City and County of Denver. The necessary reports will be sent to the appropriate investigative bureau, section, or unit. The narrative of the Juvenile Case Summary will include a notation that the juvenile has been returned to the mental health facility and the name and phone number of a daytime contact person at the facility. Any deviation from this procedure will be by order of a Juvenile Court judge.
 - b. A juvenile who is not certified as mentally ill will be processed in accordance with NORMAL arrest/custody procedures. Return of the juvenile to the mental health facility from which the juvenile ran can take the place of release to parent or shelter dispositions if the facility is located in the City and County of Denver and agrees to accept return of the juvenile.

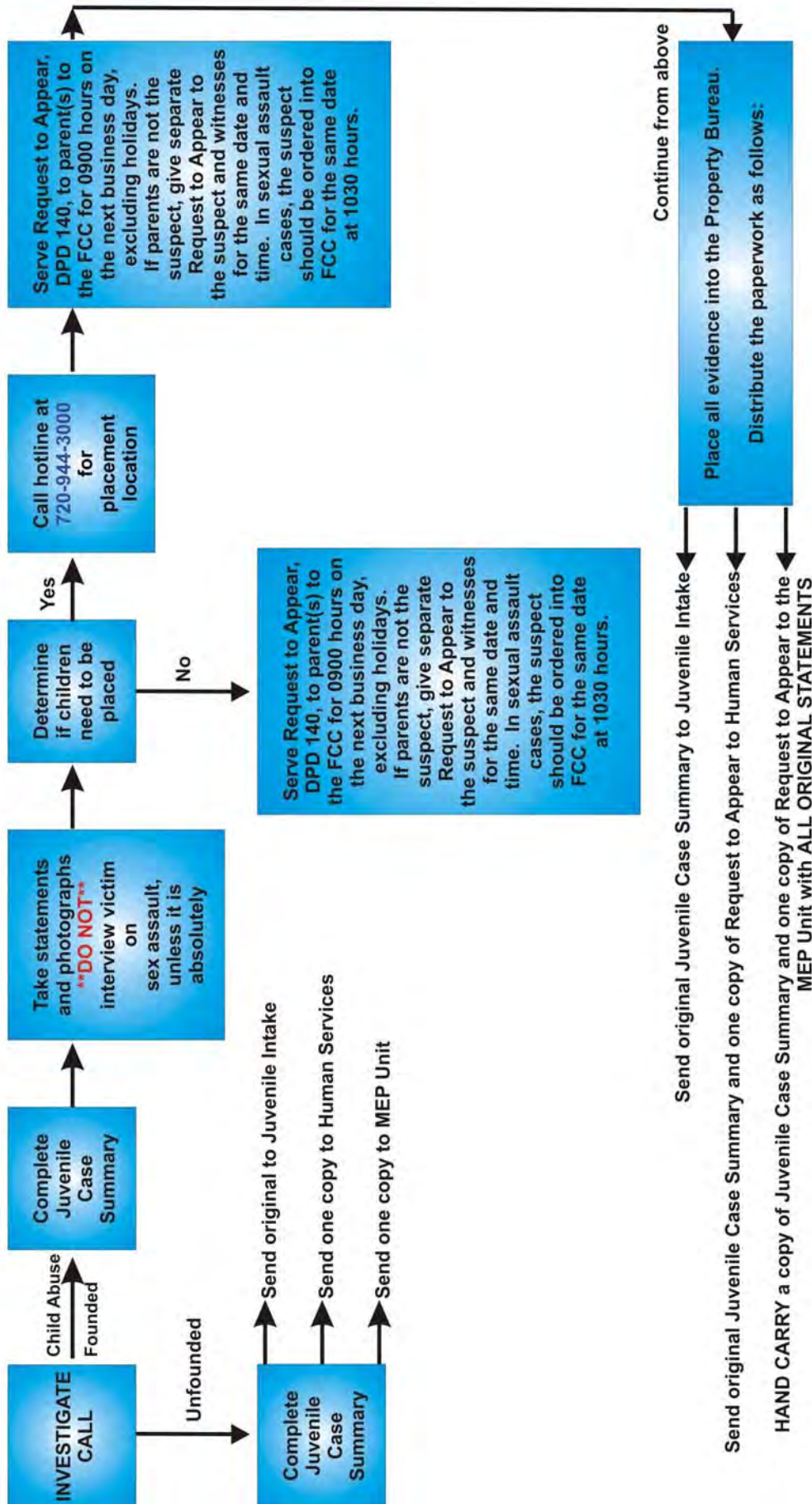
- (9) Juveniles Arrested For Resistance.
- a. Juveniles arrested for resisting arrest shall be charged with state statute violation C.R.S. §18-8-103, Resisting Arrest, a class two misdemeanor, when any of the following are committed by the juvenile during the resistance:
 1. Any intentional behavior during the resistance that could cause injury to the officer(s).
 2. Any use of a weapon by the juvenile during the course of the resistance.
 3. Any attempt by the juvenile to gain control of the officer's firearm.
 4. Damage to police vehicles and/or other police property.
 5. Significant damage to any other private or public property.
 - b. Officers charging juveniles with the state statute violation for resisting arrest must complete the necessary paperwork including a General Offense report, DPD 250, Juvenile Case Summary, DPD 140, and Statement forms, DPD 366.
 1. The officer's supervisor shall approve and sign the General Offense report, DPD 250, paying careful attention to the required elements as listed in OMS 403.01(9)(a).
 2. Officers shall transport the juvenile to the Juvenile Intake Unit for processing.
 3. Juveniles charged with the state statute violation for resisting arrest shall have mandatory holds placed and shall be held in secure detention.
 - c. Juveniles arrested for resisting arrest who do not commit any of the behaviors listed under OMS 403.01(9)(a) shall be cited with City Ordinance Violation 38-32 on a Juvenile Summons and Complaint (only as permitted in OMS 402.07) and be ordered into Courtroom 191J with an appropriate court date.

403.02 Children Ten (10) Years of Age and Younger

- (1) Children ten (10) years of age and younger cannot be held for a crime. Officers shall not complete a General Offense report, DPD 250, if the suspect is ten (10) years of age and younger.
- (2) Children ten (10) years of age and younger who are considered suspects in an investigation will be:
 - a. Taken home to their parent or guardian
 - b. If no parent or legal guardian can be located, officers shall contact the Denver Department of Human Services hotline at 720-944-3000 for placement of the child.
 1. Officers shall complete a Juvenile Case Summary, DPD 107, titled Child Neglect.
 2. A copy of Request to Appear and/or Protective Custody Notice, DPD 140, will be left at the juvenile's residence. Refer to OMS 308.05 for paperwork distribution.
- (3) In all case where a suspect in a crime is ten (10) years of age and younger, officer shall complete a Juvenile Case Summary, DPD 107, and distribute as follows:
 - a. The original Juvenile Case Summary, DPD 107, shall be sent to the Juvenile Intake Unit.
 - b. One copy of the Juvenile Case Summary, DPD 107, shall be sent to the Denver Department of Human Services.
 - c. If the crime involves offenses **other than** city ordinance violations, one copy of the Juvenile Case Summary, DPD 107, will be let at or sent to the appropriate investigative bureau, section, or unit by inter-departmental mail. Officers shall not complete a General Offense report, DPD 250, if the suspect is ten (10) years of age and younger.
 - d. If a child is placed with the Denver Department of Human Services, refer to OMS 403.02(2).

403.03 Deleted

CHILD ABUSE, NEGLECT, AND SEXUAL ASSAULT TO A CHILD FLOW CHART



DO NOT complete an Offense/Incident report, DPD 250, unless the suspect is being jailed. Officers shall not arrest a person for the charge of child abuse or sexual assault on a child by a person in a position of trust, without the prior approval of their supervisor, a supervisor, or detective assigned to the MEP Unit. If extenuating circumstances exist that the arrest of the suspect is needed to ensure the officer's or the public's safety, officers should arrest the suspect, then notify the Child Abuse Unit supervisor through the Communications Bureau.

403.04 Violation of Liquor Code - Juveniles Under Eighteen (18) Years of Age

- (1) When a juvenile is arrested for a violation of the Liquor Code, such as the use of false identification to obtain beer or liquor, to gain entry into a place prohibiting his presence, under-age drinking, etc., it is not necessary to process the person through Juvenile Intake unless identification cannot be established or other charges are pending. Issue a Juvenile Summons and Complaint for violation of: C.R.S. §12-47-128(1)(b). Purchase, or attempting to purchase or obtaining alcoholic beverages by misrepresentation of age (minor). Repeat offenders, if known, will be processed as follows:
 - a. The officer will order-in the juvenile and his parent or guardian to the Vice/Drug Control Bureau for 11:30 a.m., Monday through Friday.
 - b. If a juvenile is contacted drinking in a vehicle on a public way, a traffic citation may be issued for Section 54-127 of the R.M.C., "Drinking Alcoholic Beverages Prohibited in Vehicles on a Public Way". A Juvenile Case Summary and an order-in to the Vice/Drug Control Bureau are not required.
- (2) The arresting officer shall complete a Juvenile Case Summary, DPD 107, detailing the circumstances, date, time, place, etc.
- (3) All confiscated liquor and related evidence, false identification, etc., shall be placed in the Property Section.
- (4) Two (2) copies of the Juvenile Case Summary will be left with or sent to the Vice/Drug Control Bureau via inter-department mail.
- (5) It is imperative that all reports reach the Vice/Drug Control Bureau prior to the appearance of the juvenile and parent.

403.05 Escapees from the Department of Corrections, Division of Youth Services Facilities

When an escapee from a Division of Youth Services facility is apprehended by this Department, a Juvenile Case Summary will be completed and the juvenile processed according to OMS 403.01.

403.06 Runaways from the Department of Social Services Facilities

Whenever an officer takes custody of a juvenile wanted as a runaway from a Department of Social Services facility, the officer will first clear the juvenile for warrants and then call the Juvenile Intake Unit for a determination of where the juvenile will be placed (returned to the original facility, taken to another facility or held at the Gilliam Youth Services Center).

403.07 Failure to Appear Warrants from Denver County Court, Juvenile Division

- (1) These warrants are issued for juveniles who have failed to appear on the Juvenile Summons and Complaint, DPD 386.
- (2) Juveniles arrested on County Court Juvenile Division Failure to Appear warrants will be processed as follows:
 - a. Once a juvenile has been determined to be wanted on this type of warrant, the juvenile will be taken to the Juvenile Intake Unit for processing. The arresting officer must verify the warrant through the I.D. Bureau.
 - b. A Juvenile Case Summary will be completed.
 - c. The juvenile will be placed in the Gilliam Youth Services Center or other detention facility.
- (3) Juveniles arrested on County Court Juvenile Division warrants, for which a dollar amount is set will be processed as follows:
 - a. The arrested juvenile will be taken to the Juvenile Intake Unit.
 - b. The arresting officer will initiate the warrant verification.
 - c. The arresting officer will complete a Juvenile Case Summary.

1. The reported offense will read "Hold Juvenile Division FTA WRT # (write in warrant number)"
2. The arresting officer will make the parent or guardian notification. See OMS 403.09.

403.08 Juvenile Traffic Procedures - See OMS 104.01(9) and 204.17

403.09 Notification of Parent or Guardian

- (1) It shall be the responsibility of the arresting officer to notify the parent or guardian of a juvenile under eighteen (18) years of age who has been taken into custody.
 - a. An exception to this requirement is when an off-duty officer apprehends a juvenile and turns him over to on-duty officers. It then becomes the responsibility of the on-duty officers to make notification and to see to the proper distribution of reports and any other paper work.
 - b. If unable to reach the parent or guardian by telephone, a uniformed officer will respond to the juvenile's home address. If the parent or guardian is not at home, a note will be left on the door.
 - c. When the juvenile resides outside the City and County of Denver, the arresting officer will notify the Juvenile Intake Unit and provide the address and phone number of the juvenile's residence. The Juvenile Intake Unit officer will notify the law enforcement jurisdiction in which the juvenile resides and request that notification be made.
 - d. When juveniles are taken into custody and placed in Gilliam Youth Services Center before the parents are contacted, the officer making notification shall advise the parents to call the Intake Juvenile Probation Officer for information.
 - e. Other exceptions to this procedure are contained in the Missing Persons/Runaway OMS 406.00.

403.10 Placement of Juveniles in the Pre-Arrestment Detention Facility (Jail)

Persons who have not reached their eighteenth (18) birthday will not be confined in the Pre-Arrestment Detention Facility unless ordered by a Juvenile Court Judge.

403.11 Mass Arrests

In the event of a civil disorder or other incidents involving the arrest of a large number of juveniles, the procedures of order-in and holding in custody may not be applicable. The situation commander, or his designee, will coordinate with the Chief Juvenile Probation Officer or his designee, and the regional manager of the Division of Youth Services or his designee, for coordination on arrestee dispositions.

403.12 Transportation of Juveniles in the Scout Car

- (1) Juveniles will not be transported in a scout car under ordinary circumstances. Exceptions may be authorized by a supervisor or commander under unusual circumstances.
- (2) In no instance will juveniles be transported in a scout car containing adult prisoners, unless the scout car is equipped with physical barriers which separate the juvenile from any adults.

403.13 Status Offenders

- (1) Although the term "status offense" is not defined in the Children's Code, it is commonly used to identify non-criminal offenses which can be committed only by juveniles, including:
 - a. Beyond Control of Parent (BCOP)
 - b. Runaway
 - c. Truancy

- d. Curfew
- (2) Processing for BCOP is as follows:
 - a. The juvenile will be taken or accepted into police custody.
 - b. A Juvenile Case Summary will be completed.
 - 1. On the second line of the Juvenile Case Summary, under "Juvenile Placement", check the box "Other" and write Denver Department of Social Services.
 - 2. The "Reported Offense" will be Beyond Control of Parent.
 - 3. The area on the face of the Juvenile Case Summary, "Referred to Juvenile Court", will be checked "Pending".
 - 4. The box "Ref. Other Agency" will be checked and the notation "Denver Department of Social Services" will be entered in the "Other" box.
 - 5. The original Juvenile Case Summary will be mailed to the Juvenile Records Unit.
 - 6. A copy of the Juvenile Case Summary and any original reports or statements will be sent by inter-department mail to the Denver Department of Social Services.
 - 7. The reverse side of the Juvenile Case Summary must outline the circumstances under which the juvenile came into police custody.
 - c. The officer taking custody will call the Denver Department of Social Services twenty-four (24) hour number, 720-944-3000, to determine the place of shelter for the juvenile.
- (3) Processing for Runaway - See OMS 403.01(7) and 406.06(1)
- (4) Processing for truancy - Do not take the juvenile into custody, but return him to the school.

403.14 Placing Juveniles in Temporary Holding Cells

- (1) Juvenile prisoners are not to be detained in District station holding cells that lack separate juvenile facilities (Districts 4, 5, and 6), but are to be transported directly to the Juvenile Intake Unit. Juveniles may be detained in temporary holding cells at newer stations equipped with separate juvenile holding facilities (Districts 1, 2, and 3). See OMS 113.02(7)(d).
- (2) Juveniles will not be handcuffed to any stationary object.
- (3) Juveniles may be placed in a temporary holding cell in the Juvenile Intake Unit as long as certain conditions are met.
 - a. The time the juvenile occupies the temporary holding cell does not exceed six (6) hours.
 - b. Juvenile offenders of different sexes will not occupy the same cell.
 - c. The responsibility for monitoring a juvenile in a temporary holding cell will rest with the placing officer unless:
 - 1. There are procedures at the cell site assigning the responsibility to another officer, or
 - 2. Another officer relieves the placing officer of the responsibility.
 - d. The temporary holding cell is not within sight or sound of an adult prisoner at any time the cell is being occupied by a juvenile.
- (4) These restrictions apply to ALL juvenile arrests, including traffic and DUI.

403.15 Removal of Juveniles from Mental Health Facilities

- (1) No juvenile who has been certified as mentally ill will be removed from a mental health facility without an order from a Juvenile Court judge.
- (2) Any juvenile who is not certified as mentally ill may be taken into custody. The intake Juvenile Probation officer will need to be contacted to determine disposition of the juvenile.

404.00 - IDENTIFICATION PROCESSING

404.01 Fingerprinting and Photographing of Juveniles

- (1) Any juvenile who is placed under arrest for a felony or misdemeanor charge will be fingerprinted and photographed by the Juvenile Intake Unit officers.
- (2) Any juvenile ordered-in to an investigative unit for a felony offense, gang-related offense, or weapons offense, will be processed through the Juvenile Intake Unit to establish a DPD identification number if the juvenile does not have a DPD identification number.
 - a. A juvenile cannot be fingerprinted or photographed if he is not under arrest.
 - b. If a juvenile is under investigation, but not under arrest, the juvenile must give permission for a photograph and fingerprints to be taken, or the investigating detective must obtain a Rule 41.1/C.R.J.P. Rule 3.4.
 - c. If a juvenile is to be issued a JV summons, that juvenile may be fingerprinted and photographed in the Juvenile Intake Unit prior to being served with the summons. It is imperative that the juvenile not be served with the summons until after he is processed. Once the juvenile is served the summons, he can not be processed.
- (3) Photographs and fingerprint cards will be maintained in the Identification Section files, indexed by name and DPD identification number.

Photographs of juveniles will be available to law enforcement officers upon request.

Photographs of juveniles will not be available to the public.

404.02 Retakes of Fingerprints and Photographs

In the event an assigned investigator discovers that a juvenile's current photograph is inadequate for identification purposes, the investigator may request the Juvenile Intake Unit to retake a photo of a detained juvenile.

404.03 Notification of Juvenile Record Unit

Whenever a juvenile is fingerprinted and photographed at the Gilliam Youth Services Center, the intake Juvenile Probation Officer will mail a copy of the Juvenile Case Summary containing the newly assigned DPD identification number to the Juvenile Records Unit of the Property Crimes Bureau.

405.00 - JUVENILE DETENTION CRITERIA

405.01 **Mandatory Felony Holds**

- (1) Unless otherwise directed by the case assignment detective, any juvenile arrested for a felony offense against another person shall be placed in the Gilliam Youth Services Center.
- (2) Any juvenile arrested for possession or use of an explosive or incendiary device (C.R.S. §18-12-109) shall be placed in the Gilliam Youth Services Center.
- (3) Any juvenile arrested for possession of a firearm, or who commits any offense with a firearm shall be placed in Gilliam Youth Services Center.
- (4) Unless otherwise directed by the case assignment detective, all juveniles arrested for the following property crimes will be placed in the Gilliam Youth Services Center.
 - a. All residential burglary suspects 14 years of age or older.
 - b. All non-residential burglary suspects 16 years of age or older.
 - c. All auto theft suspects who also elude or attempt to elude police.
 - d. Any auto theft suspect who has a prior auto theft arrest within the past 12 months.
 - e. Any auto theft suspect arrested in a stolen vehicle taken from outside Denver County.
 - f. Any felony theft or felony theft from motor vehicle suspect 16 years of age or older who has a prior felony arrest within the past 12 months.
 - g. Any arson suspect whose actions caused injury to any person or whose actions constitute 1st, 2nd, or 3rd Degree Arson (C.R.S. §18-4-102, 103, 104). Mandatory detention may be waived by an Arson Investigator of the Denver Fire Department.
- (5) Unless otherwise directed by personnel assigned to the Vice/Drug Control Bureau, all juveniles arrested for the following offenses shall be placed in the Gilliam Youth Services Center.
 - a. All suspects arrested for unlawful distribution, manufacturing, dispensing, sale or possession of controlled substances (C.R.S. §18-18-405, substance defined in C.R.S. §12-2-2-309 through 312).
 - b. All suspects arrested for possession of eight (8) ounces or more of marihuana or any amount or marihuana concentrate (C.R.S. §18-18-406 (4) b.)
 - c. All suspects arrested for fraud and deceit to obtain controlled substances (C.R.S. §12-22-315).
 - d. All suspects arrested for introducing contraband in the first degree (C.R.S. §18-8-203) or second degree (C.R.S. §18-8-204) or possession of contraband in the first degree (C.R.S. §18-18-204.1).
- (6) Any juvenile arrested for a felony when that juvenile is a runaway or missing person.
- (7) Any juvenile arrested for a felony while on probation.
- (8) Any juvenile arrested for a felony who physically resisted arrest.
- (9) Juveniles not mandatorily held under the conditions outlined in this Section will be considered under the criteria for Discretionary Felony Holds (OMS 405.02) or Juvenile Order-Ins (OMS 407.00).
- (10) Whenever it is necessary to place a police hold on a juvenile at a hospital other than Denver Health Medical Center, the following procedure will apply:
 - a. Make a Juvenile Case Summary.
 - b. Call Missing Persons during daytime hours to relay the information regarding the suspect on hold. The Missing Persons Unit will notify the City Jail and jail personnel will dispatch a Denver Sheriff to the facility to take custodial care of the suspect. The Sheriff will require a copy of the Juvenile Case Summary.
 - c. During the hours when the Missing Persons Unit is unmanned, call the Juvenile Intake unit and they will make notification to the jail.
 - d. The arresting officer must stand by until the arrival of the Sheriff.

405.02 Discretionary Felony Holds

- (1) Other than the specified felony juvenile arrests, a juvenile may be detained for a felony arrest with approval of the Intake or On Call Probation Officer. Prior to approval, the probation officer will consider the following factors and will not approve mandatory detention unless one or more of the conditions are met.
 - a. The identity of the juvenile cannot be verified.
 - b. There is evidence that the felony conduct of the juvenile will resume immediately upon release from police custody.
 - c. There is evidence that the arrested juvenile has threatened a victim, witness or co-conspirator prior to, during, or after arrest.
 - d. The parent(s), guardian(s) or a verified sibling age 18 or older refuses to accept custody of the juvenile.
- (2) Juveniles arrested for felony traffic offenses will be held at the discretion of the Traffic Investigation Section. See OMS 204.17(7).
- (3) Juveniles arrested for felonies who are not mandatorily or discretionarily held will be ordered-in. See OMS 407.00.

405.03 Mandatory Non-Police Detention

- (1) Juveniles who are wanted on a verified court warrant, other than those issued by the Juvenile Division of Denver County Court specifying a PR bond, will be held. See OMS 403.07(3).
- (2) Juveniles who escape from a juvenile institution or community placement operated by the Department of Institutions, Division of Youth Services will be held.
- (3) Juveniles who are placed on an Immigration Hold by the Immigration and Naturalization Service (INS) to establish deportability will be held.
- (4) Juveniles wanted on Denver or State Writ of Assistance warrants will be held. The warrant will specify detention or shelter. The intake Juvenile Probation Officer will determine the detention or shelter location. See OMS 406.08(2).

405.04 Non-Felony Discretionary Holds

- (1) In accordance with Rule 3.7 of the Colorado Rules of Juvenile Procedure, "The Chief Judge in each judicial district or the presiding judge of the Denver Juvenile Court shall designate a person(s) as officer(s) of the court with authority to determine whether a juvenile taken into temporary custody should be released to a parent, guardian, or other legal custodian, or admitted to a detention or shelter facility pending notification to the court and a detention hearing."
 - a. The Juvenile Probation Department has been designated by the presiding judge of the Denver Juvenile Court to perform this function.
- (2) Juveniles arrested for a C.R.S. misdemeanor offense may be held at the Gilliam Youth Services Center pending a detention hearing, with the approval of the Intake Juvenile Probation Officer.
 - a. Prior to transporting to the Gilliam Youth Services Center, the arresting officer must process the juvenile through the Juvenile Intake Unit. The Intake Unit will assist the officer in contacting the Juvenile Probation Officer
 - b. The arresting officers will consider the following aggravating factors as determinants in requesting a hold on C.R.S. misdemeanors.
 1. Domestic violence or restraining order violations involved
 2. Gang-related criminal activity
 3. Potential for immediate future harm to the victim, a witness or the juvenile
 4. The juvenile arrested for a C.R.S. misdemeanor is a runaway or missing person

5. The juvenile has an extensive record, particularly showing crimes of violence, or is on probation
 6. The age of the juvenile
 7. Refusal of a parent, guardian or verified relative over the age of 18 to take custody of the juvenile, coupled with the inability of the Department of Social Services to locate shelter space
 8. Repeat juvenile prostitution violation
 9. Physical resistance to an arrest.
- c. Juveniles arrested for C.R.S. misdemeanors who are not held will be ordered-in. See OMS 407.00.
 - d. The decision of the intake Juvenile Probation Officer concerning non-felony hold requests is made as the designated agent of the Denver Juvenile Court.

405.05 Exceptions for Special Needs Juveniles

- (1) Juveniles, who require medical care beyond the scope of the detention facility's level of medical service, or who are visibly intoxicated or under the influence of a controlled substance, shall be taken to a hospital. The fact that a juvenile may have ingested alcohol or marijuana in the past and it does not impair their ability to function will not require them to be transported to Denver Health Medical Center if the officer determines their health and safety are not at risk. They may be placed in secure detention after being medically evaluated by Denver Health Medical Center personnel if they fit in the mandatory or discretionary felony detention categories, or with the approval of the intake Juvenile Probation Officer for misdemeanors or other circumstances.
- (2) Juveniles who present a danger to themselves or others as a result of a mental disturbance shall be taken to Denver Health Medical Center Psychiatric Emergency Room on a Mental Health Hold.
- (3) The Juvenile Intake unit will be notified by telephone of the placement.
- (4) If a placement of a juvenile is made under the conditions of this section, and the juvenile has been arrested for a felony or for a C.R.S. misdemeanor, two copies of the Juvenile Case Summary must be left at the Records Section for the appropriate investigative bureau, section, or unit.
- (5) Notification of a parent or guardian must be made. See OMS 403.08.

405.06 Juveniles not to be Detained in Secure Detention Under Any Circumstances

- (1) Juveniles who have committed only a "status offense" (e.g. beyond parental control, alleged school truancy and runaway from home).
- (2) Juveniles requested to be held solely as a temporary corrective or punitive measure.
- (3) Juveniles requested to be held solely on a missing person report, except out of state runaways. Contact the Juvenile Intake Unit for a determination of placement of out of state runaways.
- (4) Juveniles who are not on probation and who have violated municipal ordinances, unless the ordinance violation is one that has been listed by the District Attorney's Office to be filed in the Denver Juvenile Court. Juveniles will be processed according to OMS 405.04 or 407.00 if they commit offenses which will be filed in Denver Juvenile Court.

405.07 Release of Police Holds

- (1) Juveniles placed in the Gilliam Youth Services Center on police holds may be released from the hold prior to a Detention Hearing only by the assigned investigator or CID supervisor.
 - a. The Mandatory Hold Withdrawal, DPD 64, will be used to cancel the hold.
 - b. A copy of DPD 64 will be faxed to the intake Juvenile Probation Officer at the Gilliam Youth Services Center.

- c. The original copy of DPD 64 will accompany the supplementary report and other investigative material to the Records Section.
 - d. In the event of FAX failure at the Gilliam Youth Services Center, the investigator or CID supervisor will call the intake Juvenile Probation Officer and verbally cancel the hold. This call will be followed up with the mailing of a copy of DPD 64 to the intake Juvenile Probation Officer.
- (2) Juveniles placed in Denver Health Medical Center on police holds may be released from the hold by the assigned investigator or CID supervisor.
 - a. Order for Release of a Juvenile Hold, DPD 111, will be used to cancel the hold.
 - b. A copy of DPD 111 must accompany the supplementary report and other investigative material to the Records Section.

405.08 Disposition of Juveniles Not Held

- (1) Juveniles arrested for offenses for which the mandatory felony hold is not required, for offenses for which the discretionary felony hold is not applied, and for all other situations which the intake Juvenile Probation Officer does not approve detention may be ordered-in and will be either:
 - a. Released to a parent or guardian from a police facility if a parent/guardian has been contacted and is responding, or
 - b. Released to a parent or guardian from a shelter facility if a parent/guardian cannot be contacted, or a parent/guardian cannot respond or refuses to respond at the time of request by police, or
 - c. Taken home and released to a parent or guardian.

406.00 - MISSING PERSONS

Deleted 11-06 see The Missing and Exploited Persons Unit section 308.00

407.00 - JUVENILE ORDER-INS**407.01 Order-Ins to Investigative Units**

- (1) When a juvenile is served an order-in to an investigative unit on DPD 75, Request to Appear, he must also be assigned an appearance date and time in Juvenile Court Division III using DPD 28, Juvenile Promise to Appear.
- (2) Investigative Order-Ins
 - a. The order-in will specify the location and time of the order-in and the nature and location of the offense.
 - b. The order-in, DPD 75, will not be used to order-in a juvenile to an investigative unit for an ordinance violation unless the ordinance violation is one which has been designated by the District Attorney's Office to be filed in Juvenile Court. All other ordinance violations will be charged on the Juvenile Summons & Complaint.
 - c. Each order-in completed by an officer must be accompanied by a completed Juvenile Case Summary. The only exceptions are those cases in which an order-in has been requested by a detective. In such cases, the detective is responsible for the Case Summary.
- (3) Distribution

After the form is signed, the original will be given to the juvenile and the first copy to the parent/guardian. Copy 3 will be left at or sent via inter-department mail to the responsible investigative bureau, section, or unit.

 - d. If the juvenile is detained at a shelter, copies one and two of the complete Request to Appear will be left at the shelter for completion of service. The third copy will be sent via inter-department mail to the responsible investigative bureau, section, or unit.
- (4) Order-Ins to Juvenile Court

DPD 28, Juvenile Promise to Appear, will be prepared whenever a juvenile is arrested for probable cause or pursuant to a probable cause warrant and is:

 1. Taken to a shelter to be released to a parent/guardian.
 2. Released to a parent/guardian with an order in to an investigative bureau, section, or unit. The parent/guardian will be required to sign the Request to Appear.
 - e. The appearance date will be the first working day three (3) weeks from the date of service.
- (5) IT IS IMPERATIVE THAT THE ORDER-IN AND OTHER DOCUMENTS REACH THE INVESTIGATING BUREAU, SECTION, OR UNIT PRIOR TO THE TIME OF THE ORDER-IN.

407.02 Time and Place of Juvenile Order-Ins**Property Crimes Bureau**

BURGLARY, THEFT (except shoplifting), CRIMINAL MISCHIEF OR CRIMINAL TRESPASS (Non-Vehicle), CRUELTY TO ANIMALS: To the District Burglary Investigation Unit in the District in which the offense occurred, unless otherwise directed by a burglary detective or supervisor. The order-in will be for 0900 the next calendar day unless otherwise directed by a burglary detective or supervisor.

SHOPLIFTING, GANG GRAFFITI & GAS DRIVE-OFFS: To the Investigative Support Unit, Room 206 in the Police Administration Building at 0900 the next calendar day unless otherwise directed by a detective or supervisor.

AUTO THEFT, THEFT FROM A MOTOR VEHICLE OR CRIMINAL MISCHIEF TO A VEHICLE: To the Auto Theft Section, Room 206 in the Police Administration Building at 0900 the next calendar day unless otherwise directed by an auto theft detective or supervisor.

- (6) Crimes Against Persons Bureau

ALL CRIMES AGAINST PERSON OFFENSES: To the Crimes Against Persons Bureau, Room 304 in the Police Administration Building at 0900 the next calendar day unless otherwise directed by a detective or supervisor of the Crimes Against Persons Bureau.

(7) Vice/Drug Control Bureau

ALL DRUG-RELATED OFFENSES: To the Vice/Drug Control Bureau, Room 310 in the Police Administration Building at 1130 hours on the next calendar day excluding Saturdays, Sundays and holidays.

ALL VICE-RELATED OFFENSES: To the Vice/Drug Control Bureau, Room 310 in the Police Administration Building at 6:00 PM, Tuesday through Saturday. This includes liquor law/licensing violations.

Any exceptions to the Vice/Drug Control place or time of order-in will be at the direction of a detective or supervisor of the Vice/Drug Control Bureau.

(8) Traffic Investigation Section

ALL TRAFFIC OFFENSES: To the Traffic Investigation Bureau, Room 208 in the Police Administration Building at 0830 on the next calendar day.

Any exceptions to the place and time of order-in will be at the direction of a Traffic Investigation Bureau detective or supervisor.

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- 505.09 Medical/Modified Leave Section
- 505.10 Line of Duty Injuries (Rev. 03-2013)
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506.00 Miscellaneous

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507.00 Travel Policy

- 507.01 Travel Policy

508.00 Personnel Assessment System (PAS)

- 508.01 Personnel Assessment System (PAS) Policy
- 508.02 Procedures for PAS Review or Referral
- 508.03 Intervention Strategies
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501.00 - RESPONSIBILITIES AND AUTHORITY

501.01 Ranking Officer at the Scene of a Crime

- (1) They will return to service all uniformed personnel not needed at the scene.
- (2) They will assume command of the investigation on the scene and in the immediate area.
- (3) They will direct all uniformed and detective bureau personnel, including supervisors, so that their efforts and skills can be fully utilized. (Exception: #12)
- (4) They will retain responsibility for the investigation until time or the distances involved impede their efficiency at which time they shall make arrangements for an Investigation Division supervisor to assume control.
- (5) They shall review the progress of the investigation prior to their arrival and make a record of same so that all phases of the investigation are properly documented.
- (6) In cases of homicide or other serious felonies, they shall cause the commanding officer of their unit and the affected Investigation Division unit to be notified. See OMS 301.15.
- (7) They shall determine if the crime scene is to be protected after completion of the original investigation and will make the necessary arrangement of uniformed personnel if needed.
- (8) The ranking officer shall take charge at fires, riots, explosions, plane crashes, cave-ins, drownings, and all unusual or emergency situations.
- (9) Upon the arrival of the district Commander at the scene of any such situation, they shall be considered to be the senior officer and will be in command.
- (10) The district Commander shall take charge of all such actions in their district, when available.
- (11) When a supervisory officer is not present, the senior officer at the scene is in charge.
- (12) At the scene of homicides and other major crimes, the ranking members of the Investigation Division who may be present shall be in complete charge of the "immediate crime scene" without regard to the rank of officers present from other divisions. Under such circumstances, the senior representative of the Investigation Division will establish liaison with the command post or uniformed command officer at the scene and make all requests for assistance from the Patrol Division through the command post or through the regular chain of command of that division, as appropriate.

501.02 Obedience to Orders of Ranking Officers

- (1) Officers shall obey the lawful orders of their ranking officers and, regardless of their rank; they shall invariably obey instructions given by the dispatcher. They shall perform all duties required of them by their ranking officers, whether such duties are specifically assigned to them by Departmental Rules and Regulations, the Operations Manual, or written directives.

501.03 Officers Responsible to One Supervisory Officer

- (1) As a general rule, an officer will be required to take direct orders from and be directly responsible to one supervisory officer. Supervisory officers, however, shall exercise direct command over officers lower in grade outside their usual command in all situations where the police purpose or the reputation of the department is jeopardized. See Section 115.01(3)

501.04 Conflicting Orders Issued by a Ranking Officer

- (1) Should an order conflict with any previous order issued by any other ranking officer, or with any departmental order or provision of the Operations Manual, the member to whom such order is issued shall respectfully call attention to the conflict.

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- (2) If the ranking officer giving the order does not make changes to resolve the conflict, the order shall stand, and the responsibility shall be theirs. The member obeying the order shall not be held responsible for disobedience of the existing order. It is sufficient for them to know that the person giving the order is in proper command.
- (3) Should any lawful order appear unjust or improper to the member to whom it is directed, they shall carry out the instructions first, and afterward they may call the matter to the attention of their commanding officer.

501.05 Officer Filling Position of Supervisory Officer - Acting Capacity (Revised 05-2011)

- (1) Acting assignments shall be made only when it is essential to the functioning of the Bureau, Section, or Unit to have an officer with full supervisory or command authority immediately available for an entire shift to perform supervisory or command functions.
 - a. Acting Assignments will not be made when sufficient supervisors assigned to the bureau are working and can be called upon when necessary.
 - b. Bureau commanders shall be held responsible for insuring that acting assignments are made only when necessary
- (2) Acting assignments can only be authorized by Captains/CSA Directors or, in the case of bureaus and units commanded by Lieutenants, the respective Division Chief.
- (3) An officer temporarily filling the position of a supervisory officer in an acting capacity shall be vested with all the authority and responsibilities of the supervisor, but the acting officer shall not interfere with, countermand, or modify the orders previously issued by the supervisory officer, except in extreme emergency.
- (4) An officer so assigned, when called upon to affix their signature to any official paper or report, shall use only their official title and never sign as an acting officer of a higher rank.
- (5) Any officer who is temporarily assigned by his supervisor to a rank higher than that which he currently holds shall be compensated at the rate of pay of the higher rank for the time he is assigned and assumes the duties of the higher rank.
- (6) Officers may be temporarily assigned to a rank or assignment no more than one step higher than their current rank with the following exceptions:
 - a. A Commander may, with the approval of the Division Chief, assign a Lieutenant to the position of Acting Commander in their absence.
 - b. A Division Chief may, with the approval of a Deputy Chief, assign a Captain to the position of acting Division Chief in their absence.
- (7) Any Lieutenant assigned as an acting Commander or a Captain assigned as an acting Division Chief shall be compensated at the rate of pay of the acting position.
- (8) Any officer who, for a period of four (4) hours or more is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank shall be compensated at the rate of pay of the higher rank for the entire duty shift in which he is so assigned. If during the period of temporary assignment, the officer works overtime, the officer shall receive the overtime rate of pay at the officer's existing pay rate.
- (9) Officers will receive acting pay for those days when they are physically present at work. In addition, officers will not receive acting pay for those days on which they are on special assignment, on an excused day or regular day off.
- (10) Upon completion of the acting assignment, officers qualifying for payment shall complete Acting Assignment Verification, DPD 183. The original of this form shall be forwarded to the Human Resource Management Bureau for payment.

501.06 Acting District Commanders and Acting Shift Commanders

- (1) District Commanders will arrange Lieutenants' days off and vacation schedules in an attempt to provide Lieutenants as acting District Commanders during their absence.

- (2) Lieutenants will arrange Sergeants' days off and vacation schedules in an attempt to provide a senior Sergeant as acting shift commander during their absence.

501.07 Allotment and Assignment of Personnel

- (1) Days off, vacation, and sick leave shall be planned ahead and computed to efficiently operate under delineated relief capabilities and shall be rigidly adhered to in that no more than the total number of relief officers shall be off on any given day barring emergencies.
- (2) Officers who are married to each other will be allowed to work the same district, bureau, unit, or detail, but will not be allowed to work the same assignment as partners.
- (3) Supervisory officers are to be present during shift changes at all times barring emergencies or calls, and shall not be unavailable due to transportation or other reasons.
- (4) The Patrol Division has the basic responsibility of providing efficient and complete service twenty-four (24) hours a day, every day, with no excuses for inefficient or delayed action. This must be a paramount consideration in the minds of commanders and is their basic responsibility in command that the public receives the service and protection for which it pays and to which it is entitled.
- (5) The supervisory officer of detectives assigned to districts shall continually confer with the District Captains to ascertain their needs, and shall comply with any reasonable suggestion they may make.

501.08 Special Assignment Time

- (1) Special Assignment Time may be granted to an officer at the discretion of his/her Commander.
- (2) Special Assignment Time requiring an over-night stay, to be spent within the State of Colorado shall require the approval of the officer's Division Chief
- (3) Special Assignment Time outside the State shall require the approval of the Chief of Police.
- (4) When officers who regularly work ten-hour (10) shifts are scheduled for special assignment to attend CEP or other specialized training, the following procedures will apply:
 - a. If the training is five (5) eight-hour (8) days in one (1) week, the officer's schedule will be changed to eight-hour (8) shifts during that week. This procedure will apply regardless of where the special assignment takes place or which agency provides the training. The officer will be credited forty (40) hours worked, and no deductions of time from the officer's compensatory time bank will be required. The officer's supervisor will ensure that the officer's scheduled hours worked during that period do not exceed one-hundred sixty (160).
 - b. If the special assignment is fewer than five (5) days in one week, the officer's TeleStaff calendar will reflect an eight-hour (8) credit for each special assignment day. The officer may use two (2) hours compensatory time when available from a time bank, for each of the eight (8) hour days, or choose option 4(d), below. If the officer does not have enough compensatory time in the bank, then time can be used from the Saved Holiday, Birthday, ASL, Saved Vacation, or Vacation banks, in that order. The officer shall not be scheduled or allowed to work an extended shift on any other day during the work period to make up the two-hour (2) shortage.
 - c. If the special assignment is training provided at the DPD Academy, the officer may leave at the end of the training session and must add a work code to the TeleStaff calendar requesting that two (2) hours of compensatory time be deducted from the time bank. If the officer does not have enough compensatory time in the bank, then time can be used from the Saved Holiday, Birthday, ASL, Saved Vacation, or Vacation banks, in that order.
 - d. The officer may elect to not use compensatory time by remaining at the Academy for two (2) additional hours to receive additional training provided by the Academy staff. The training may include, but is not limited to: ACT refresher and qualification, viewing training videotapes, classroom instruction on a variety of topics, or any two-hour (2) block of training then offered by the Academy staff. This option applies to CEP classes, mandatory remedial training and other special assignment held at the DPD Academy.

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- e. It is not permissible for an officer who normally works eight-hour (8) shifts to attend the additional two-hour (2) training to earn overtime compensation.
- f. An officer who normally works ten-hour (10) shifts, will be granted special assignment time to attend training provided by an outside agency, or at a facility other than the DPD Academy, only if the officer requests and agrees to use compensatory time to make up each day's two-hour (2) shortage.
- g. The Department may, on occasion, order an officer who regularly works ten-hour (10) shifts to attend specialized or remedial training at a facility other than the DPD Academy. The Department will attempt to schedule these sessions in ten-hour (10) blocks. If that is not possible, the officer's attendance will be recorded as determined on a case-by-case basis, by the officer's Division Chief.

502.00 - GENERAL DUTIES

502.01 Roll Call

- (1) Each unit commander shall determine where roll call shall be held.
 - a. Roll calls shall be conducted in a military manner. Commands and execution by the ranks should be in conformance with traditional military procedures.
 - b. The senior command or supervisory officer in charge of the roll call shall hold a personnel inspection. All officers shall be properly attired.
 - c. Command and supervisory officers shall make daily assignments, read, any pertinent orders, and conduct necessary roll call training.
 - d. All information read or disseminated at roll call must have prior approval from a supervisor or commander. The approving officer shall make certain that the information is current, valid, and appropriate. The approving officer shall then affix his/her initials, serial number, and date approved to the item before placing it on the roll call clipboard. After the item has been presented at roll calls for the appropriate time, it will be placed in a chronological file at the assignment for one year.
- (2) Officers will be punctual in reporting for roll call.
 - a. Whenever an officer is late, the on-duty supervisor of the officer involved will document the incident in the Supervisor's Situation Record (SSR), DPD 127, and indicate whether the lateness is excused or unexcused.
 - b. Officers will read the incident entry in the Supervisor's Situation Record and initial the entry next to the supervisor's name.
- (3) Penalties may be assessed for repeated lateness.
 - a. Records of lateness, other than for chronic offenders, are calculated for six (6) consecutive months.
 - b. All incidents of unexcused lateness will, at a minimum, be entered in the Supervisor's Situation Record. The first such incident of lateness will result in an oral admonition and counseling of the officer as to the potential minimum penalties for repeat violations. Minimum penalty assessments for subsequent sustained violations will be as follows:
 1. For the second unexcused violation, an oral reprimand.
 2. For the third unexcused violation, a written reprimand.
 3. For the fourth unexcused violation, a fine of eight (8) hours off.
 4. Subsequent unexcused violations will be dealt with more severely.
 - c. The Chief of Police or his designee may elect to treat an officer having six (6) unexcused violations within any twelve (12) consecutive months or nine (9) unexcused violations within any three (3) consecutive years as a chronic offender. Discipline of chronic offenders will be imposed separate and apart from the provisions of OMS 502.01(3)b. and the penalty therefore may be based on an officer's entire attendance history.

502.02 Attendance Record - Use of

- (1) All Attendance Record entries are to be made in black ink.
- (2) All entries other than "Day Worked," "Regular Day Off," "Compensatory Day Off," "Sick," "Vacation," "Accumulated Sick Leave," or "AWOL," must be explained at the bottom of the time book page. For example: Excused days will be marked with an "E," and the appropriate explanation made at the bottom of the page.
- (3) Any questionable re-occurrence of off-duty injury will be carried as "Sick" unless proper authorization has been received from the Pension and Relief Board.

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- (4) When time off is carried as "Sick" and later approved by the Pension and Relief Board as Line-of-Duty Injury, the Human Resource Management Bureau will see that the applicant's record will reflect such adjustment.
- (5) At the end of each period, but not later than the seventh (7th) day of the following period, the highest-ranking officer of each bureau or unit will verify the authenticity of the Attendance Record by signing the document. The signed sheet will then be forwarded to the Human Resource Management Bureau.
- (6) Attendance Records must clearly indicate any ten-hour (10) day work schedule.
- (7) An officer on limited or light duty, whose work schedule is less than eight (8) hours per day due to medical restrictions, shall be entered in the Attendance Record as "Day Worked" for each day that the officer reports for duty. A notation will be made at the bottom of the Attendance Record indicating the number of hours in the officer's work schedule; Example: Smith - working 4 hours per day, 8/11 - 8/31. An Absence Report, DPD 148, will be completed at the end of each work period indicating the amount of sick leave to be charged to the officer's sick bank. In the case of officers working partial days due to a non-line of duty injury, compensatory/saved time may be used in lieu of sick time in accordance with OMS 505.07(8).

502.03 Deleted**502.04 Receipt of Subpoenas**

- (1) Commanding officers of districts, bureaus, sections, and units shall establish a court notice and subpoena book detailing all required court appearances of their personnel by month of the year.
- (2) Personnel from the Court Liaison Unit will deliver all subpoenas to the district, bureau, section, or unit involved.
- (3) The district or unit commander or highest-ranking officer present will accept the subpoenas for delivery to the officers being subpoenaed.
- (4) Supervisors will serve the subpoenas and make record of the service in the subpoena book.
- (5) If the person being subpoenaed is off for an extended period, on vacation or otherwise absent, the supervisor will return the subpoena to the Court Coordinator for a later receipt date.
- (6) Letters from the Civil Liability Bureau for an appearance on a civil case for a hearing, deposition, court appearance, etc., shall be treated as a subpoena.
 - a. Supervisors will serve the letters and make record of receipt in the subpoena log book.
 - b. Supervisors will be responsible for returning the signed receipt to the Civil Liability Bureau.

502.05 Offense/Incident Report Follow-Ups

- (1) Upon receipt of Offense/Incident reports for follow-up investigations at the district station level, the sergeant shall list the following information in the follow-up investigation book:
 - a. Offense/Incident Report Number
 - b. Receipt Date (date received at station)
 - c. Officer to whom assigned (this information is also to be listed in assignment space on report).
- (2) In the event that the officer assigned is unable to complete the investigation, they shall return the Offense/Incident report to the sergeant for reassignment. The sergeant making the reassignment shall list the new officer assigned in the reassignment column of the follow-up investigation book.
- (3) The officer making the follow-up investigation shall make a supplementary report or make longhand notes on the face of the Offense/Incident Report, whichever is applicable, as to the results of the investigation. The officer shall then sign and date the supplementary report, and submit the same to the sergeant for approval. Upon approval by signature, the sergeant shall forward the supplementary report to the Records Section. The sergeant will then list the date in the completed and returned column of the assignment book.

502.06 Patrol Officer's Daily Activity Log, DPD 120

- (1) Daily Activity Log, DPD 120, will be maintained by each officer assigned to the Patrol Division or Special Operations Division, and each officer will record their patrol activities in compliance with Patrol Division, Special Operations Division, and Personnel Section instructions.
- (2) Supervisory Procedures:
 - a. Supervisors shall inspect the daily activity logs on a daily basis and shall sign same in the appropriate space.
 - b. Supervisors shall verify totals included in the In Time and Work Classifications, and cause them to be transferred to Monthly Performance Summary, DPD 126.
 - c. Supervisors shall exercise close supervision over these procedures and shall counsel officers whenever need for instruction in reporting activities is indicated.

502.07 Reports of Civil Disturbance Incidents - Use of After Action Report, DPD 286

- (1) Shift commanders are responsible for the completion of After Action Reports, DPD 286, following serious police/public confrontations and other incidents requiring extensive use of police manpower, in order to establish an effective source of information for future planning and procedural analysis.
- (2) This report must be completed prior to the end of the shift in which the incident occurred.
- (3) Copies of this completed report must be forwarded to the Offices of the Manager of Safety, Chief of Police, Deputy Chief, all Division Chiefs of the Denver Police Department, and the Civil Liability Bureau.

502.08 District/Traffic Operations Mail Run

- (1) District or unit shift commanders will ensure that mail runs are made at the proper times.
 - a. The mail is to be delivered to the Records Section, room 420, on all days at 0400 hours, and 1800 hours.
 - b. During the hours the Records Section is closed, case numbers may be obtained, and copies made, in the Identification Section, Room 416.
- (2) Traffic Operations Bureau commanders will ensure that their Bureau's mail is delivered to the Records Section on all days at 1500 and 2400 hours.

503.00 - PERFORMANCE

503.01 Complaint and Discipline Procedures for Sworn Officers

(1) Policy:

The policy of the Denver Police Department in creating a complaint and discipline process is to establish a set of accountability standards that address how complaints of officer misconduct are made, filtered, processed and evaluated at all levels. These standards are driven by the Mission, Vision and Value statements of the Department and find, as their chief cornerstones, the Law Enforcement Code of Ethics and the rules and regulations of the Department. These documents set the foundation for accountability of the Department and its members to citizens whom it serves, to the greater law enforcement community of which it is a member and to the Constitution of the United States, which the Department has sworn to uphold.

The Department recognizes the vital importance of the internal investigation process and that no system of discipline can be effective without investigations that can be considered by members of the Department and the general public as unbiased and trustworthy. The Department is committed to investigating all allegations of officer misconduct in a fair, thorough and timely manner in accordance with accepted Department policies and procedures. Such investigations must be conducted with the full regard for the Officer's Bill of Rights and all other rights and respect due to fellow officers. Likewise, they must be conducted with regard for the rights and respect due to non-sworn members of the Department, all complainants and witnesses and all other citizens. The administration of the discipline process shall not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State or local law or regulation. The Department further believes that truthfulness is vital in an internal investigation and is expected and demanded from all Department personnel who may be the subject of or a witness in an investigation. Lastly, the Department understands that timeliness in the imposition of discipline is a critical component of the complaint handling and disciplinary processes and that untimely imposition of the discipline is unfair to the involved officers, community members harmed by officer misconduct and the Department as a whole.

This policy applies only to members of the classified service of the Denver Police Department.

(2) Guidelines and Definitions:

- a. Subject Officer: The officer under investigation for possible misconduct.
- b. Complaint: An allegation of misconduct.
- c. Service Complaint: A citizen complaint that pertains generally to services or policies of the department but which is not an allegation of misconduct against an employee.
- d. Misconduct: A violation of a law, policy, procedure, or rule and regulation. There are several classifications of misconduct:
 1. Minor Misconduct: Potential violations of policy or procedure that have minimal adverse impact on the operation or integrity of the Department and that are not likely to result in a formal disciplinary action against a named employee.
 2. Pattern Misconduct: A pattern of potential misconduct by an officer or group of officers that includes, but is not limited to, allegations or complaints over time that indicate conduct of more concern than that created by infrequent or isolated incidents of citizen complaints or unacceptable conduct.
 3. General Misconduct: All potential violations that do not fall into the categories of minor, serious, or pattern misconduct are considered general misconduct. Examples of general misconduct include but are not limited to: violation of a policy that requires a fixed penalty such as failure to attend court, failure to attend scheduled training, or failure to complete firearms qualification.
 4. Serious Misconduct (including Conduct Prohibited by Law): Potential violations of policies, procedures, rules, or regulations that have an adverse impact on the operation or integrity of the Department and that, if proven, would likely result in formal disciplinary action against a named employee. Investigations involving allegations of serious misconduct or law violations shall be conducted by the Internal Affairs Division. Examples of serious misconduct include but are not limited to: commission of a deceptive act, sexual misconduct, inappropriate force, harassment, discrimination, and conduct prohibited by law.

- e. Complaint Intake: The initial fact finding stage of an investigation in which a sergeant or above determines whether or not the complaint, if true, would constitute misconduct, or if the issue amounts to a service complaint.
- f. Denver Police Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines: The official guide adopted by the Executive Director of Safety and Chief of Police to be utilized by all persons responsible for making disciplinary recommendations and determinations. The *Discipline Handbook* sets forth the procedures for determining whether officers have violated DPD rules or policies and, if so, guidelines for making penalty recommendations and determinations.
- g. Discipline Matrix: The official guide adopted by the Executive Director of Safety and Chief of Police establishing penalty ranges and limits for misconduct to be utilized when making penalty recommendations and determinations.
- h. Dismissal: The Chief of Police or his designee may elect not to investigate and thereby dismiss certain complaints. The grounds for dismissal of complaints are outlined in OMS 503.01(4)(b).
- i. Formal Investigation: All allegations of misconduct that are not classified as minor misconduct, service complaints, or dismissals shall be formally investigated. An Internal Affairs Division (IAD) complaint number shall be issued for each formal investigation and an official disposition will be handled by the Internal Affairs Division, with the exception of scheduled discipline, which will be conducted by the subject officer's chain of command. Nothing shall prevent division or bureau level supervisory or command officers from conducting an initial investigation prior to forwarding the issue to the Internal Affairs Division for a full investigation per the procedure outline in OMS 503.01(5).
- j. Informal Investigation: Informal investigations are conducted when there is a complaint of minor misconduct. If applicable, the investigation should include debriefing the subject officer regarding a complainant's concerns about the officer's actions or quality of service. The informal investigation is an expedited process that does not result in a formal finding or the imposition of discipline.
- k. Investigative Review Process (IRP): The Investigative Review Process (IRP) is a review process consisting of two (2) phases. Phase I consists of a review by the subject officer (and his or her representative) of the IAD investigative reports. Phase II consists of a meeting between the subject officer, his or her representative, the investigator, and the IAD commander with the intent of reaching an agreement as to the material facts of the case.
- l. Deliberative Process: The Office of the Independent Monitor, the Citizen Oversight Board, and the officers and citizens who serve on the Department's internal review boards such as, Use of Force Review Board, and Tactics Review Board are all part of the city's deliberative process regarding investigative and disciplinary procedures for sworn personnel. As such, all information learned by any of those persons or groups during the exercise of their duties shall be protected by the deliberative process privilege.
- m. Scheduled Discipline: Those rules, regulations, and policies for which violations carry penalties that are defined by a table or schedule. A complete listing of these policies can be found in Appendix F of the Discipline Handbook.

(3) Roles and Responsibilities:

- a. Individual Officer Responsibility:
 1. All officers of the Department shall report possible misconduct by other officers to a supervisor, command officer, or the IAD regardless of whether the reporting officer has first hand knowledge of, or has otherwise learned of, the alleged misconduct. If the possible misconduct involves the officer's supervisor or command officer, the reporting officer may report the possible misconduct directly to the IAD or the Chief of Police.
 2. Any sworn personnel who becomes aware that he or she is under investigation for, or charged with any crime, has had their State's driver's license revoked, suspended, or when charged with a traffic offense of eight (8) or more points shall self report such investigation or charge immediately to a supervisor, command officer, or Internal Affairs. IAD shall relay the information to the Office of the Independent Monitor and Department of Safety Office within three (3) business days.
 3. Officers shall cooperate in a Department investigation and shall answer questions by, or render material and relevant statements to, the appropriate supervisor, command officer, or IAD investigator. Officers shall answer all questions fully and truthfully and shall not omit any material facts.

4. For the duration of the complaint process, including the complaint intake, formal investigation, IRP, the subject officer and his or her representative are prohibited from contacting and/or interviewing any witnesses or conducting any type of investigation into the allegations. The only officers authorized to interview witnesses or the subject officer or to conduct any further investigation of a case on behalf of the Department or its members are those investigators designated by the commander of IAD or the Chief of Police.
 5. A subject officer shall not be armed during the pre disciplinary meeting with the Chief of Police or designee (chief's hearing).
- b. Supervisor and Command Officer Responsibilities:
1. General
 - a. A supervisor or command officer must assume the duties and obligations of his or her rank in the investigation of misconduct by police personnel.
 - b. A supervisor or command officer shall continually examine areas of the police operation under his or her purview.
 - c. A supervisor or command officer shall not look to higher authority to initiate investigations when the actions in question are within his or her own authority.
 - d. The Internal Affairs Division may be requested when the complexity of the case justifies such assistance.
 - e. A supervisor or command officer of a division or bureau shall resolve minor procedural violations in accordance with this policy. If the supervisor/commander determines that training, oral admonishment, counseling, etc. is an appropriate action involving an employee, the commander shall be responsible for ensuring that the training, oral admonishment, counseling, etc, is accomplished and documented.
 - f. A supervisor or command officer of a division or bureau shall conduct an investigation in accordance with this policy.
 - g. A supervisor or command officer of a division or bureau shall immediately report to IAD all allegations of serious misconduct, including conduct prohibited by law.
 - h. A supervisor or command officer of a division or bureau shall, in a timely manner, notify the IAD regarding allegations of general misconduct or pattern misconduct that is not serious in nature and does not constitute conduct prohibited by law.
 - i. Supervisors and command officers shall obtain the assistance of IAD or a superior officer when assistance is needed with the complaint process or while conducting a complaint intake or investigation.
 - j. If a supervisor or command officer observes or learns of possible misconduct by an officer not under his or her supervision, the supervisor or command officer shall notify the supervisor or command officer of the subject officer. (See OMS Duties and Responsibilities sections 7.0 and 8.0 regarding responsibilities of all supervisors and command officers with respect to discipline and conduct of officers.)
 - k. Any command officer (or supervisor, with the approval of a higher ranking officer) may relieve an officer of duty when the charges are of a serious nature and it appears that such action would be in the best interest of the Department or the officer. Officers shall surrender their badges and identification cards when relieved of duty.
 - l. Whenever it becomes necessary to place a Denver police officer in any detention facility, the ranking supervisor or command officer handling the case shall immediately relieve the officer of duty and retain all Department property in the officer's possession. Requests to hold or obtain the subject officer's police uniform shall be made to the proper authority in the detention facility. The ranking supervisor or command officer shall immediately notify the IAD of the subject officer's detention or incarceration.

- m. The IAD commander, the Chief of Police or the Executive Director of Safety shall report all allegations of serious misconduct, including conduct prohibited by law to the Office of the Independent Monitor within three business days of becoming aware of the allegations.
- 2. Investigating Supervisor and Command Officer Responsibility:
 - a. The division or bureau commander shall review the matter to determine whether the investigation should be conducted at the division or bureau level or forwarded to the IAD. The division or bureau commander is responsible for ensuring that all original reports, forms, related documentation, and materials collected during the intake process are sent to the IAD along with a request for a formal investigation.
 - b. When alleged misconduct is classified as serious misconduct, including conduct prohibited by law, the supervisor or command officer shall immediately contact the IAD, which shall coordinate the intake for such allegations. The commanding officer of a subject officer shall ensure that complaints are processed as required by this policy.
 - c. The commander of the division or bureau shall be responsible for monitoring the performance and conduct of employees under his or her command and, if any conduct indicates an emerging pattern of unacceptable behavior, the commander shall initiate actions to correct the behavior, including advising the involved employees that any further allegation of a pattern of unacceptable behavior may be handled as a formal investigation.
- c. Internal Affairs Division Authority and Responsibilities:
 - 1. Officers of the IAD act directly pursuant to the command and with the authority of the Chief of Police. They have the authority to require any officer of the Department, regardless of rank or appointment, to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with that officer's, or any other officer's duties and obligations as an officer of the Department. The IAD commander may, at his/her discretion, investigate any complaint lodged against any other officer of the Department, regardless of rank or appointment.
 - 2. Upon receipt of information from an officer or supervisor regarding an allegation of serious or pattern misconduct, the IAD shall immediately begin a formal investigation into the allegations.
 - 3. The IAD shall have the full authority to conduct an investigation without interference from any officer.
 - 4. The primary duty of the IAD shall be to ensure the integrity of the Department. The IAD shall direct its efforts toward conducting an efficient, impartial, prompt, and complete investigation of allegations of misconduct by officers of the Department.
 - 5. The IAD shall maintain a central file of disciplinary investigations pursuant to the applicable document retention schedule of the Department and the City. The central file shall contain all complaints, final dispositions, supporting documents, and other investigative material pertaining to disciplinary cases.
- d. Monitor's Role in IAD Investigations.
 - 1. The Office of the Independent Monitor shall actively monitor and participate in any criminal investigation of the incidents set forth. In addition, IAD shall investigate any incident set forth below and the Monitor's office shall actively monitor and participate in such IAD investigations:
 - a. Any shooting involving a Denver police officer, whether duty related or not;
 - b. Any in custody death;
 - c. Any duty related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as that term is defined in C.R.S. §18 1 901(3)(p), as it may be amended from time to time;
 - d. Any incident whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a felony;

- e. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged with, any crime set forth in C.R.S. Title 18, Article 3 (offenses against the person, which includes homicide, assault, kidnapping, and unlawful sexual behavior) as they may be amended from time to time; or
 - f. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.
2. If no criminal charges are filed subsequent to an investigation or such criminal charges are dismissed, the Monitor's office shall nevertheless have the discretion to monitor any internal investigation arising from the subject incident.
 3. In addition, the Monitor's office shall monitor any other internal investigation of possible misconduct by Denver police personnel when requested to do so by the Citizen Oversight Board or Executive Director of Safety. The Board or Executive Director shall advise the Monitor's office of the reasons why the Board or the Executive-Director believes the Monitor's office should monitor the investigation. Within three (3) business days of determining to monitor an investigation or of receiving the request from the Board or the Executive Director, the Monitor's office shall advise IAD only that the Monitor's office will monitor the investigation.
 4. The Monitor and/or his designee may attend all Internal Affairs officer and civilian interviews. The Monitor may suggest questions for the IAD interviewers to ask of the witnesses, but the IAD interviewer retains the discretion to determine the subject matter and form of the questions to be asked.
 5. The Monitor shall have access to all evidentiary items and stages of the administrative investigation. Where the investigation involves potential criminal charges, the DA may restrict or place conditions on access that he or she believes would jeopardize the integrity of the investigation or adversely impact any potential criminal prosecution. The Monitor shall also have complete access to all Department documents and electronic files relating to any complaints against, or investigations of, sworn personnel within the Monitor's jurisdiction and personnel files, including work history and officer statements but not including documents protected by the attorney client privilege or the attorney work product privilege.
 6. During the course of the investigation, the Monitor may discuss the investigation with IAD including recommending additional investigation.
 7. For any investigation that it monitors, the Monitor shall review the investigation to ensure that it is thorough and complete. If the Monitor cannot certify that the investigation is thorough and complete, the Monitor may request that IAD conduct additional investigation. If IAD does not complete the additional investigation to the Monitor's satisfaction, the Monitor may conduct additional investigation, including issuing subpoenas.
The Monitor shall advise the Citizen Oversight Board, Executive Director of Safety, and Chief of Police of the reasons that the Monitor was not satisfied with IAD's investigation and of the additional investigation conducted by, or to be conducted by, the Monitor. The IAD shall not forward the investigation until the Monitor has completed its supplemental investigation, if any, and then the IAD shall forward its investigation together with the Monitor's supplemental investigation to the appropriate person(s).
 8. The Monitor shall treat all documents and information regarding specific investigations or officers as confidential and shall divulge such information on a need to know basis or unless otherwise disclosed by the City and County of Denver.
- (4) Complaint Intake Procedures
- a. Processing Allegations:
 1. Allegations by citizens: Any officer who is contacted by a citizen wishing to complain about possible misconduct by an officer shall immediately put the citizen in contact with an on duty supervisor. The supervisor shall attempt to make contact with the complainant immediately, but in no case later than the end of his or her shift.

The supervisor shall complete a Commendation/Complaint Intake Form as prescribed in this policy.

2. Allegations by officers: Any officer who has observed or otherwise learned of possible misconduct committed by another officer shall report the same directly to a supervisor in the reporting officer's or subject officer's chain of command or to the IAD. Any officer who initiates an allegation shall either prepare an Inter Department Correspondence, DPD 200, outlining the allegations and/or other reports as directed by a supervisor. The reporting officer shall not communicate his or her allegation to any other agency, officer, or individual without proper authorization in compliance with all OMS governing the same.
 3. Allegations by government officials: Allegations of misconduct made by government officials (including, but not limited to, law enforcement agencies, judges and prosecutors) shall be handled by the IAD. The IAD shall review the allegation and determine whether the case shall be handled at the division/bureau level or by the IAD.
 4. Allegations by filing of law suits or tort claims: Allegations of misconduct made in the form of tort claims or law suits shall be reviewed by the Monitor's Office and IAD to determine whether an IAD investigation would be warranted.
 5. Complaints against the Chief of Police: If the Chief of Police has engaged in possible misconduct, the IAD shall forward a copy of the allegation to the Executive Director of Safety for his or her direction. The Executive Director of Safety will confer with the Independent Monitor (and may retain an independent investigator from outside the Department) in such circumstances.
- b. Complaint Screening: the Supervisor or command officer receiving the complaint shall make an initial determination whether the complaint describes possible misconduct, the issue amounts to a service complaint, or the complaint is eligible for mediation and/or dismissal based on the criteria set forth below.
1. If the supervisor concludes that the complaint should be handled as a service complaint or describes possible misconduct, the complaint shall be documented on the Commendation/Complaint Intake Form, DPD 687, and forwarded to Internal Affairs. Regardless of who will eventually handle the investigation or complaint resolution, the supervisor or command officer conducting the complaint intake will collect any evidence necessary to ensure that there can be a complete determination of facts in the case.
 2. If the supervisor concludes that the complaint does not state a violation of a law, policy, procedure, rule and regulation, the supervisor may resolve the issue by explaining the law, policies, procedure, rules and regulations to the complainant and indicating that no further investigation will take place. If the complainant is not satisfied with the explanation provided, the supervisor shall refer the complainant to Internal Affairs or the Monitor's Office.
 3. If the supervisor believes the complaint is eligible for mediation and/or dismissal, the responsible supervisor shall be required to initiate and complete, as much as possible, and per policy, the investigation of the complaint regardless of any possible future mediation option. The complaint shall then be referred to the Internal Affairs Division for a final determination.
 4. A complaint may be dismissed for the following reasons:
 - a. Mediation: Mediation is a voluntary process involving numerous stakeholders, including community members, police officers, police administration and the Independent Monitor. There is no right to mediation. Even if a complaint is eligible for mediation, any stakeholder may decline to allow a complaint to be resolved through the mediation process for any reason.

No stakeholder shall be required to state the reason for declining to participate in mediation or agreeing to assign a case for mediation. Statements made during mediation cannot be used against a police officer in a criminal or civil matter.

Furthermore, the decision to mediate a matter or not to mediate a matter cannot be considered during disciplinary proceedings in comparing the discipline issued in previous matters to that issued in a pending matter (i.e., cannot be used for purposes of considering “consistent discipline”). A complaint will be dismissed upon the completion of a mediation session administered by the Monitor’s Office.

1. A complaint may be considered for mediation if it resulted from a failure to communicate or a lack of communication such that the allegation would be resolved better through mediation than through the formal disciplinary process and if it meets any other requirements set forth below. A complaint which, if proven, could constitute a violation of RR-138, Discrimination, Harassment, and Retaliation, may be eligible for mediation only in accordance with **the provisions of the Department of Safety EEO Investigation Procedures.**
 - a. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is ineligible for mediation:
 1. Category E: Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety or to the professionalism of the Department.
 2. Category F: Any violation of law, rule or policy which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of Department values; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to an officer’s fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.
 - b. Any allegation of misconduct which, if proven, could constitute a violation of any rule that the Denver Civil Service Commission has designated as making an applicant ineligible to take a promotional examination for, or to be promoted to, the ranks of Sergeant, Lieutenant, or Captain is ineligible for mediation
 - c. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation only if the Executive Director of Safety, the Chief of Police, and the Independent Monitor all agree that mediation is appropriate.
 1. Category D: Conduct substantially contrary to the values of the Department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.
 - d. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation only if the Internal Affairs Division and the Independent Monitor agree that mediation is appropriate.
 1. Category A: Conduct that has a minimal negative impact on the operations or professional image of the Department.
 2. Category B: Conduct that has more than a minimal negative impact on the operations or professional image of the department; or that negatively impacts relationships with other officers, agencies or the public.
3. Category C: Conduct that has a pronounced negative impact on the operations or professional image of the Department, or on relationships with other officers, agencies or the public.

- e. Even if a complaint is eligible for mediation, the Executive Director of Safety, the Chief of Police or his/her designee, or the Monitor or his/her designee has the authority to decide for any reason that a case should not be assigned for mediation.
2. Mediation Procedures: If the complainant expresses an interest in mediating the complaint, that fact shall be documented on the Commendation/Complaint Intake Form which will be forwarded to Internal Affairs for further review. Both the IAD Commander and the Monitor must agree that a complaint is appropriate for mediation for the complaint to be assigned to the mediation program.
- a. The complainant will be advised that the complaint is eligible for mediation, and a determination will be made whether the complainant is still interested in mediation.
 - b. If a complaint has been approved for mediation, a notice will be sent in writing by the Office of Independent Monitor to the involved officer(s), with a copy to their commanding officer, which shall include: the complaint number, the name of the complainant(s), the nature of the allegations, an explanation of the mediation program, an advisement to the officer(s) of the IAD and Monitor's conclusion that the case is appropriate for mediation, a request from the Monitor that the involved officer(s) contact the Monitor's Office within the officer(s) next five (5) working days of receipt of the notice, an explanation that participation in the mediation program is voluntary and that upon completion of the mediation, the complaint will be dismissed. A failure to respond to the request shall be construed to mean the officer has declined the opportunity to mediate the complaint.
 - c. The involved officer's supervisors shall ensure that the IAD mediation notice is delivered to the involved officer(s) as soon as possible.
 - d. If any of the involved officers decline to participate in mediation, the complaint shall be returned to the intake process in accordance with normal IAD policies and procedures.
 - e. If a complainant fails to appear for a scheduled mediation, without good cause as determined by the Chief of Police or his designee, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by IAD.
 - f. If any of the involved officers fail to appear for a previously scheduled mediation, without good cause, the Monitor will notify IAD so that appropriate action can be taken. The complaint may then be processed by IAD as per normal policies and procedures.
 - g. Upon completion of the mediation, the complaint will be dismissed. No new complaint shall be accepted based on the conduct of an officer during mediation. The mediation session shall be confidential as per C.R.S. §13 22 307 and the Colorado Council of Mediators Revised Code of Professional Conduct, Section V and there shall be no requirement that an agreement be reached during the course of mediation.
- b. Judicial or Administrative Review: The complainant could reasonably be expected to use, or is using, another remedy or channel for the grievance stated in the complaint. Complaints that are subject to judicial, administrative, or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint may be dismissed. A complaint should be dismissed on this basis only if the alternative channel is reasonably accessible to the complainant and can provide an adequate remedy.
- c. Untimely: The complainant delayed too long in filing the complaint to justify present examination. IAD may waive the timeliness requirement for good cause.
1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations should be filed within sixty (60) days of the incident.

2. Except for good cause, complaints of serious misconduct including, inappropriate force, egregious acts of disparate treatment, or major rules violations should be filed within six (6) months of the incident. IAD may waive the time limit if there is substantial corroborating evidence of the misconduct.
 3. There is no specific deadline for complaints alleging criminal conduct or corruption. Such complaints will be evaluated on their merits with due consideration for the quantity and quality of available evidence.
- d. No Misconduct: Even if all aspects of the complaint were true, no act of misconduct would have occurred. An allegation that fails to describe at least a potential violation of federal, state, or municipal law, or City or Department policy will be dismissed. Occasionally, a complaint that fails to state misconduct may merit a referral to the Chief's Office for policy or other considerations or to mediation as a means of improving police community relations. A complaint may be dismissed if it is apparent that no misconduct was committed and if it is likely that additional investigation would not reach a different conclusion.
- e. False or Trivial: The complaint is trivial, frivolous, false, or not credible.
1. Allegations determined to be intentionally and materially false shall be dismissed.
 2. Trivial or frivolous complaints may be dismissed. Trivial or frivolous complaints allege minor technical violations of procedural rules which have negligible adverse effects on the public or the credibility of the Department.
 3. Complaints that are grossly illogical or improbable may be dismissed during intake by IAD or recommended for dismissal by District or Bureau supervisors, per the procedure outlined in OMS 503.01(4)(b). However, care and compassion must be exercised to ensure that a full, fair and complete investigation is made of complaints made by those who may be suffering from a mental illness.
- f. Third Party Complaints: A complainant must generally have a reasonably direct relationship to the incident in order to file a minor complaint. Complainants are considered to have a direct relationship if they were directly affected by the alleged misconduct (first hand sources), witnessed the alleged misconduct (second hand sources), or have special, professional, or organizational knowledge about the alleged misconduct (e.g., a lawyer, a judge, etc.)
1. Third hand or anonymous complaints that allege corruption or other very serious police misconduct will not be dismissed.
 2. Dismissal is not allowed for third party complaints of less serious misconduct if there is a reasonable explanation why a person with standing has not filed a complaint (e.g. the person who was directly affected is a minor child; is elderly, disabled, or deceased; cannot communicate easily in English is not a citizen; is wanted on criminal charges; or has been threatened, etc.).
 3. Anonymous complaints of minor misconduct may be dismissed. However, supervisors will urge the complaining party to encourage a person with standing to file the complaint.
- g. Complaints about Repeatedly Reviewed Categories of Police Activity: IAD may receive allegations about some categories of police action (e.g. police procedures related to photo radar operations) that in the past have been repeatedly reviewed, preliminarily investigated, and subsequently dismissed by IAD. The discretion to summarily resolve a category of complaints should be exercised carefully with due regard to the nature and seriousness of the complaints.
- h. History of Unfounded Complaints: Occasionally, a single individual repeatedly files non meritorious, unfounded, or duplicative complaints, diverting time, attention and resources from other complaints. The IAD Commander may authorize in writing that repeated complaints from specifically named individuals receive special handling. District and Bureau supervisors may also recommend dismissal and/or special handling for repeated complaints from specifically named individuals. Special handling may mean that designated persons are required to file their complaints in writing or that they not be interviewed as part of the intake investigation. This procedure may be used if IAD can demonstrate that a person:
1. Has a history of filing unverifiable, non credible, or non meritorious complaints and was warned in writing that the filing of similar complaints in the future may resulting special handling, rapid disposition, or other specified actions, or;
 2. Previously filed a demonstrably false complaint. The discretion to specially handle complaints from named individuals must be exercised with great care and only with a supporting record.

- i. Complainant Withdraws: The complainant withdraws the complaint or fails to complete the necessary complaint steps.
The complaint may be dismissed if the complainant requests that it be withdrawn or explicitly agrees that his or her concern has been resolved and that no further action need be taken on the complaint. The complaint may also be dismissed if the complainant cannot be located, does not respond to requests for information, or fails to complete other necessary steps in the complaint process. Whether dismissed during the intake process or during post intake screening, the file needs to demonstrate a good faith effort to communicate with the complainant. The complainant's request to withdraw a complaint or failure to cooperate in an investigation does not require that IAD dismiss a complaint.
- j. Unable to Identify Officer: The identity of the officer cannot be determined. In some cases there is no reasonable means of identifying the employee who is alleged to have committed misconduct. Depending on the nature of the complaint, dismissal may be prudent and proper to conserve limited public resources.
The complaint may be dismissed if, after a good faith effort, the involved employee cannot be identified and it would be unlikely that the employee would be identified. IAD may forward the complaint to an appropriate District or Department Commander for information and educational purposes.
- k. No Jurisdiction: DPD lacks jurisdiction. The authority to dismiss for lack of jurisdiction is inherent in the limited sovereignty of the City and County of Denver. IAD will dismiss complaints over which it has no jurisdiction, including complaints against person who were not employed or supervised by DPD at the time the alleged misconduct was committed. If possible, IAD will refer the complainant to the proper department, agency or government. Complaints brought against Career Service employees may be taken by IAD or at any District or Bureau and will be forwarded to IAD for further action.
The DPD lacks jurisdiction to discipline persons it no longer employs. As such, a complaint may be dismissed if the employee resigns, retires or will no longer be employed by the Department by the time the investigation and discipline process can be completed. However, in cases of serious misconduct by former employees, the IAD Commander may:
 - 1. Conduct an investigation and refer it to the District Attorney's Office and/or place the findings in the employee's IAD or personnel file, or
 - 2. Review the actions of the employee's supervisors, or
 - 3. Review the Department's policies and training curriculum.
 - 4. If it appears that the employee may be rehired by the Department or by another law enforcement agency, IAD may elect not to dismiss the complaint until after an investigation has been completed.

(5) Conducting Investigations

- a. Informal Investigation: A complaint which alleges minor misconduct may be handled in an expedited manner. Informal Investigations shall be completed within five (5) days from the time the complaint is received by the District/Bureau. Exceptions may occur when the involved employees are unavailable due to time off, vacation, illness, or other emergencies.
 - 1. Supervisors shall complete the following steps when handling a minor misconduct complaint:
 - a. Discuss the incident and the nature of the complaint with the involved officer(s) as well as the Department's expectations with respect to rules and procedures pertaining to the issues in the complaint, the complainant's perception of the officer's behavior, and alternative approaches the officer could have possibly used to improve service.
 - b. Document the incident and actions taken on the Commendation/Complaint Intake Form, DPD 687.
 - c. If the investigation can be completed during the current tour of duty, all documentation shall be forwarded to IAD where a case number will be assigned upon receipt.

- d. If the investigation cannot be completed during the current tour of duty, the supervisor shall contact IAD for a case number, and forward all documentation to IAD upon completion of the investigation.
2. IAD shall review the documentation and determine if the actions taken by the investigating supervisor were sufficient to address the officer's alleged misconduct.
 - a. If IAD determines that the complaint is eligible for dismissal based on the criteria outlined in OMS 503.01(4)b, the complaint shall be forwarded to the Chief of Police or his designee for final disposition.
 - b. If IAD determines that the action taken by the investigating supervisor/command officer sufficiently addressed the complaint, IAD shall advise the officer's chain of command that no further action is required.
 - c. If IAD determines that the actions taken by the investigating supervisor/command officer did not sufficiently address the complaint:
 1. The informal complaint may be sent back to the concerned officer's commanding officer for further follow-up as prescribed by IAD. An additional five-day (5) deadline is granted, with exceptions as noted in OMS 503.01(5)a above, or
 2. The complaint can be reclassified as a formal investigation to be investigated by IAD.
- b. Formal Investigations: Allegations of general, pattern, or serious misconduct (including conduct prohibited by law) will result in a Formal Investigation.
 1. If the complaint intake performed by the supervisor of a bureau or district indicates that a Formal Investigation is warranted, the supervisor shall notify the IAD, which shall assign an IAD case number regardless of whether IAD or the district/bureau conducts the investigation.
 2. The supervisor or command officer of a bureau or district handling a general misconduct allegation shall contact the IAD for a case number. The supervisor or command officer of the district or bureau shall prepare or cause to have prepared the Statement Form, DPD 366, and Commendation/Complaint Intake Form, DPD 687. The statement should address all allegations and complaints. Should clarification be necessary, questions and answers should supplement the statement. When a complaint is taken by telephone, the supervisor taking the complaint shall complete the Commendation/Complaint Intake form and write a narrative summary of the complaint on a Statement Form. The IAD investigator assigned to the case, if the IAD is investigating the matter, should use these same forms.
 3. At the commencement of a Formal Investigation, the investigating officer shall confer with his or her commanding officer in order to determine whether:
 - a. The subject officer should be allowed to remain in his or her usual assignment;
 - b. The subject officer should be allowed to remain on duty but in another assignment; or
 - c. The subject officer should be relieved of duty.
 4. The IAD shall immediately be notified when action is taken under 503.01(5)(b)(3)(b) or 503.01(5)(b)(3)(c) and the IAD shall, in turn, notify the Chief of Police.
 5. If the officer is charged with a felony, the Chief of Police shall indefinitely suspend the officer pursuant to Denver City Charter Section 9.4.17.
 6. An Officer Notice of Investigation (NOI), DPD 627, shall be generated and provided to an officer who is the subject of a Formal Investigation when that investigation is commenced, unless such notification may jeopardize the ongoing investigation. The NOI shall outline the general nature of the Formal Investigation and include a summary of the allegations subject to the Formal Investigation. The NOI shall be generated by the IAD.
 7. When directed by an investigator, every officer who has knowledge, whether direct or indirect, of the alleged misconduct shall prepare and submit an individual, written statement before the end of the shift when he or she is directed to provide the report. Reports should be supplemented by questions and answers if necessary for clarification.

The statement form is to be provided to the supervisor or command officer conducting the investigation. A copy of the written statement shall be sent to the commander of the reporting officer. The written statement must be accurate and complete.

8. Prior to making any statement or answering any questions as a part of an Informal or Formal Investigation, the subject or witness officer shall be provided a copy of the Advisement Pursuant to Internal Investigation, DPD 455, (also known as the Garrity Advisement) by the supervisor, command officer, or IAD investigator conducting the investigation.
The officer shall be provided a reasonable amount of time to review DPD 455 and to sign the same. If the officer declines to sign DPD 455, the investigator shall write "declined" in the officer's signature space. Although an officer may refuse to sign DPD 455 in a disciplinary investigation, the officer must still give a statement. An officer's refusal to give a statement may result in disciplinary action in accordance with the DPD Disciplinary Handbook.
9. Statements shall be taken from witnesses and complainants whenever possible and should be supplemented by questions and answers if necessary for purposes of clarification.
10. If the Formal Investigation concerns an allegation of a law violation, the Miranda Advisement form, DPD 369, shall be given to the subject officer in lieu of the Advisement Pursuant to Internal Investigation, DPD 455, before questioning. The statement should be supplemented by questions and answers if necessary for purposes of clarification.
11. The administrative investigation of any incident requiring mandatory monitoring shall be completed within thirty (30) calendar days of its initiation. For all other investigations under the jurisdiction of the Monitor, the thirty day (30) time limit shall not apply unless the Executive Director of Safety directs that the investigation and/or any related disciplinary actions be subject to the time limits set forth in this policy or to other time limits set by the Executive Director. Failure to comply with any time limits set forth in this policy shall not serve as a basis for sworn personnel to challenge the jurisdiction of any entity referenced in this policy, nor shall such failure serve as a basis to challenge any administrative action, including discipline, which may be taken against such sworn personnel nor shall it constitute misconduct by any member of the Department.
12. If IAD is not able to complete within thirty (30) calendar days any investigation of any incident requiring mandatory monitoring or the time limits set by the Executive Director of Safety, the head of IAD may request in writing through the chain of command that the Chief of Police grant a specified, reasonable amount of time in which to complete the investigation. IAD's request must identify the specific reasons that it has not been able to complete the investigation within thirty (30) calendar days and must explain why it believes the investigation can be completed within the requested extension of time.
Requests for extensions and responses thereto shall be copied to the Monitor, Citizen Oversight Board, and the Executive Director of Safety.
13. At the completion of the investigation, IAD will have the case reviewed by the Monitor, and perform any reasonable and necessary additional investigation as requested by the Monitor. 14. Once the Monitor has certified the investigation as complete, it will be forwarded to the Conduct Review Division for purpose of making determinations regarding each specification, and to make penalty recommendations as appropriate.
15. Scheduled discipline cases may be forwarded directly to the Conduct Review Division upon completion by the subject officer's commanding officer without first being reviewed by the Monitor.

(6) Conduct Review Division

- a. The Conduct Review Division (CRD) shall review the facts gathered during the Formal Investigation and make a determination for each specification charged whether it has been proven to have occurred by a preponderance of the evidence following procedures and protocols outlined in the Discipline Handbook.
- b.. Each specification charged will then be categorized according to one of the following categories:

1. Unfounded – The investigation indicates that the subject officer's alleged actions relating to the Department policy, procedure, rule, regulation or directive in question did not occur.
 2. Exonerated – The investigation indicates that the alleged actions of the subject officer were within the policies, procedures, rules, regulations and directives of the Department.
 3. Not Sustained – There was insufficient evidence to either prove or disprove the allegation.
 4. Sustained – The subject officer's actions were found, by a preponderance of the evidence, to have been in violation of the Department policy, procedure, rule, regulation, or directive in question.
- c. Scheduled discipline cases
1. If the case is Sustained and the penalty recommendation is other than an Oral or Written Reprimand, the case shall be forwarded to the Executive Director of Safety for imposition of discipline.
 2. If the case is sustained and the penalty recommendation includes Fined Time or a Suspension, the subject officer and his or her commanding officer are notified by CRD as to the disposition of the case.
 - a. If the subject officer disagrees with the findings and/or recommendation of Fined Time or Suspension, he or she may request a Chief's Pre-Disciplinary Hearing. The CRD will then schedule the IRP process as outlined in OMS 503.01(7)f.3. If the case is not Sustained, the subject officer is notified by CRD as to the disposition of the case, and the case is forwarded to IAD for tracking and filing.
- d. Non-scheduled discipline cases
1. The Monitor shall review the draft findings and penalty recommendations of the CRD and note any concerns.
 2. If the case is sustained and the penalty recommendation is an oral or written reprimand, the procedure outlined in OMS 503.01(6)(f) shall be followed.
 3. If the case is sustained and the penalty recommendation includes fined time or suspension, CRD will notify the subject officer and his or her commanding officer as to the recommendation in the case.
 - a. The subject officer will be served with a *Contemplation of Discipline* letter that outlines the complaint specifications; and if sustained, the recommended discipline. Officers being served with a *Contemplation of Discipline* letter are allowed 24 hours to make a decision to accept the discipline, or request a chief's hearing. If the officer chooses to use the 24 hour decision period, the officer will receive an order specifying the date and time to return to the CRD. At that time the officer must report his or her decision, in person, to the CRD.
 - b. If the subject officer accepts the findings and agrees with the recommendation of fined time or suspension, the case is forwarded to the Chief's Conduct Review Meeting. (see OMS 503.01(6)e below)
 - c. If the subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a Chief's Pre-Disciplinary Hearing. The CRD will then schedule the Investigative Review Process as outlined in OMS 503.01(7)f.
 4. If the case resulted in no sustained specifications, but included at least one of the specifications listed in OMS 503.01(6)(e)(2) below, the case shall be reviewed in the Chief's Conduct Review Meeting.
- e. The Chief's Conduct Review Meeting.
1. All cases with at least one sustained specification will be reviewed in the Chief's Conduct Review Meeting, which will include; the Chief of Police, the subject officer's Deputy Chief and commanding officer, the Deputy of Police Discipline from the Office of the Executive Director of Safety, and the Conduct Review Division Commander, **and any others as determined by the Chief of Police**. The purpose of the meeting is to gain input on the final determination and penalty assessment.

2. In addition, all cases involving an allegation of one of the following specifications, shall be reviewed in the Chief's Weekly Meeting, regardless of the determination, in order to ensure that the determination is appropriate, and to keep the Chief of Police and Executive Director of Safety informed as to the resolution of these cases:

- (a) RR-112.1 Misleading or Inaccurate Statements;
- (b) RR-112.2 Commission of a Deceptive Act;
- (c) RR-115 & 115.2 Conduct Prohibited by Law;
- (d) RR-138 Discrimination, Harassment, and Retaliation;
- (e) RR-306 Inappropriate Force (where the force recipient was hospitalized)
- (f) Any other case as deemed appropriate by the Chief of Police

- f. After the **recommendation** has been made by the Chief of Police and any case results in disciplinary action (either a written reprimand, an oral reprimand, suspension, or dismissal), IAD shall forward the Final Case Summary sheet to both the officer and the officer's commander. 1. When the discipline is an oral or written reprimand, the commanding officer shall issue the reprimand to the officer, then forward to IAD documentation of the reprimand, including the date and time that it was administered.

2. The Chief of Police issues all other disciplinary action. The paperwork required for such actions is the responsibility of CRD.

(7) Resolution of Sustained Specifications with a Recommendation of Loss of Time:

- a. An IRP shall be commenced and a Chief's Pre-Disciplinary Hearing held when directed by the Chief of Police or requested by the subject officer.
- b. The subject officer may elect to accept the penalty recommendation made by the commander of CRD and voluntarily waive any further disciplinary proceedings pending the approval of the recommendations by the Chief of Police and the Executive Director of Safety
- c. Either before or after the IRP, if the subject officer chooses to accept that penalty, he or she may write a letter to the Chief of Police through the commander of the CRD outlining mitigating or exonerating circumstances. The commander of the CRD must receive such letter within seven (7) calendar days of the date that the subject officer is served with the Chief's recommendations, or within seven (7) days following the IRP.

d. Investigative Review Process (IRP)

1. Phase I: The CRD shall contact the subject officer within five (5) business days (excluding weekends and city holidays) of receipt of a sustained case to notify the subject officer that the case has been completed and that the investigative report and recommendations are available for review. The subject officer shall have five (5) business days (excluding weekends and city holidays) to review the investigative report and to make note of any issues in dispute.

- a. If the subject officer is on vacation, accrued sick leave, or other approved leave, the five day (5) period shall begin upon the subject officer's return to active duty unless otherwise ordered earlier by the Chief of Police.
- b. If the subject officer is serving a suspension, the IRP process shall begin when the officer returns to active duty or at the direction of the Chief of Police.
- c. The review period may be extended at the discretion of the CRD commander for as many as ten (10) additional business days (excluding weekends and city holidays).

Subject officers may select one (1) member of the classified service or an attorney to represent them during the IRP process. No officer shall serve as a representative if he or she has been identified as a witness or as another subject officer in the same IAD case being reviewed, or if he or she is in the subject officer's chain of command. The officer or representative may review the investigative file at the same time the subject officer reviews the file.

Unless there are extenuating circumstances, as determined by the commander of the CRD, the same officer shall represent the subject officer during the IRP process.

- d. Prior to commencement of the IRP, all persons who shall review the investigative file shall sign the Confidentiality Declaration, DPD 628a. Failure to sign the Confidentiality Declaration shall preclude review of any files.

- e. A subject officer and his or her representative shall be allowed to review the entire investigative file regarding the subject officer's sustained violations.
 - f. A subject officer shall not remove the draft report from the IAD or CRD offices at any time during his or her review. A subject officer shall not be allowed to copy any portion of the investigative file. A subject officer may, however, make and retain notes regarding the review. A copy of those notes shall be retained with the IAD case file.
 - g. Officers are prohibited from retaliating in any manner against any officer, other employee, or citizen who has made a charge, testified, assisted, or participated in any manner in an Investigation, IRP, Chief's Pre Disciplinary hearing or Civil Service hearing.
2. Phase II: The second phase of the IRP consists of the meeting between the subject officer, one (1) officer representative, the investigator, and the IAD commander or designee. Phase II shall be conducted within five (5) business days of the completion of Phase I of the IRP. The focus of the IRP is to attempt to reach agreement on the material facts of the case. Subjective, disputed facts such as the intent or opinions of the subject officer, complainants, and witnesses shall not be addressed at the IRP.
- a. Disputed factual issues shall be discussed during Phase II of the IRP in an attempt to reach an agreement or understanding as to the content of the report. If the parties are not able to agree on all of the facts, the subject officer may within seven (7) calendar days of the Phase II IRP meeting, submit a memorandum of dispute not to exceed ten (10) pages, to be included with the investigative file. The content of the memorandum of dispute shall be limited to specific factual issues mentioned in the IAD report.
 - b. During Phase II of the IRP, the subject officer may petition, in writing, the IAD commander to conduct further investigation into the case. The subject officer must articulate specific reasons why he or she believes further investigation is needed. The IAD and CRD commanders shall confer and make the final decision as to whether further investigation is necessary. If it is determined that further investigation is needed, the original investigation shall be re opened and further investigation conducted at the IAD commander's direction.
 - c. At the completion of the supplemental investigation, IAD will make the case available to the OIM for review.
 - d. Once the Monitor has reviewed the supplemental investigation, it will be forwarded to the Conduct Review Division for the purpose of making determinations regarding each specification, and to make penalty recommendations as appropriate, per the procedure outlined in OMS 503.01(6). The commander of CRD may set aside any previously sustained specification or adjust any of his or her original penalty recommendations at his or her discretion.
 - e. The subject officer shall be provided an opportunity to review the supplemental report, which shall be included in the original investigative report after the case is returned to the CRD commander.
 - f. In cases involving multiple subject officers, there shall be a separate IRP for each subject officer unless a joint IRP is agreed to by the IAD commander and each subject officer.
- (8) Chief's Pre Disciplinary Hearing
- a. A *Chief's Pre Disciplinary Hearing* shall be conducted by the Chief of Police or his or her designee.
 - 1. For each matter for which a pre disciplinary meeting will be held, a pre disciplinary letter shall be prepared and provided to the subject officer within ten (10) business days of the CRD's recommendations.
 - 2. For each investigation that it monitors, the Monitor may review the pre disciplinary letter and may discuss it with the Chief of Police and/or the Executive Director of Safety prior to the letter's being sent to the subject officer.

3. A pre disciplinary meeting shall be held no less than seven (7) and no more than ten (10) business days after the issuance of the pre disciplinary letter, unless extended by the commander of the Conduct Review Division. The Monitor may attend the pre disciplinary meeting (*aka, Chief's hearing*).

b. Prior to the Police Chief making a recommendation as to whether any rule violations should be sustained and as to the level of discipline, if any, to be imposed upon the officer, the Police Chief shall confer with the Monitor regarding such recommendation.

c. After holding a Chief's Pre Disciplinary hearing the Chief or his designee may initiate disciplinary action with a written order specifying disciplinary action. The written order shall be submitted, pursuant to Denver City Charter section 9.4.14.(a), to the Executive Director of Safety for approval.

d. Within five (5) business days of the Police Chief's recommendation of discipline, the Monitor shall advise the Executive Director of Safety whether he or she agrees with the Police Chief's recommendation, as to whether any rule violation should be sustained, and the level of discipline, if any. If the Monitor disagrees with the Police Chief's recommendation, the Monitor shall state specific reasons for disagreeing with the recommendation.

e. In accordance with Denver Charter section 9.4.14(b), the Executive Director of Safety shall approve, modify, or disapprove the written order of discipline and shall issue a written departmental order. As to each specification, the Executive Director of Safety shall have the option of accepting the penalty recommendation of the Chief of Police or of increasing or decreasing the recommended penalty.

1. Within fifteen (15) calendar days of the Police Chief's recommendation, the Executive Director of Safety shall impose discipline, if any, by issuing a disciplinary order.

2. Prior to imposing discipline, if any, the Executive Director of Safety shall confer with the Monitor regarding the Monitor's disciplinary recommendation and the Monitor's evaluation of the investigation.

3. The Monitor shall be allowed to review, but shall not become the custodian of, the Executive Director of Safety's disciplinary order.

(9) At the conclusion of the review and recommendations, a letter will be prepared by CRD notifying the complainant of the outcome of the investigation.

a. Should the disposition change at any further level of review, CRD shall modify the notification letter to reflect the new disposition.

b. The completed letter shall be forwarded to the IAD through the chain of command along with the IAD case. IAD will ensure that the letter is sent to the complainant.

c. The letter shall include the complaint number, the date of the incident, the date the complaint was made, the name of the involved officers, a description of the allegations, the specific findings made by the Department and, with respect to only allegations that have not been sustained, a brief summary of the evidence that led the Department to conclude that the allegations could not be sustained. The letter should also contain the name and phone number of the responsible person who can be contacted for further information.

(10) Appeals Process

a. If a subject officer does not agree with a departmental order of discipline (other than a reprimand) issued by the Executive Director of Safety, the subject officer may appeal such discipline to the Denver Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect. (See Denver City Charter sections 9.4.15 regarding departmental disciplinary procedure and review of disciplinary actions).

b. A subject officer is entitled to a de novo hearing before a hearing officer of the Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect.

c. No subject officer may appeal to the Civil Service Commission or the hearing officer the manner in which the IRP hearing was conducted.

(11) Duty Time and Overtime Compensation

a. All officers who participate in a Chief's Pre-Disciplinary hearing or who serve as the subject officer's representative at the Chief's Pre-Disciplinary hearing shall have that time counted as duty time.

- b. Officers up to and including the rank of captain who participate in the Chief's Pre Disciplinary hearing or who serve as the subject officer's representative at the Chief's Pre Disciplinary hearing and who are off duty shall be paid overtime in accordance with the provisions of the collective bargaining agreement then in effect.
- (12) IAD investigations are internal personnel matters and, as such, all investigative reports, command officer's conclusions, and recommendations shall be secured in a manner that prevents unauthorized review and disclosure of findings.
- (13) Executive Order 94 Policies for Alcohol and Drug Testing
 - a. Training on Executive Order 94
 - 1. All new supervisors and command officers should be trained on Executive Order 94 and Memorandum A during the first six months following their promotion. This training, at a minimum, should include the study of Executive Order 94 and Memorandum A, instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor's reasonable suspicion, and the supervisor's responsibility for escorting employees to the testing sites and through the testing process. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each supervisor and command officer with each supervisor and command officer acknowledging, in writing, receipt of the policy and the training.
 - 2. All employees without supervisory or command officer duties should be trained on Executive Order 94 and Memorandum A during their first year of employment. Training, at a minimum, should include the study of Executive Order 94 and Memorandum A, and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each employee with each employee acknowledging, in writing, receipt of the policy and the training.
 - b. Prohibitions for all city employees including classified members of the police and fire departments
 - 1. Alcohol
 - a. Employees are prohibited from consuming, being under the influence of, or impaired by alcohol while performing City business, while driving a City vehicle or while on City property.
 - 1. There are three exceptions to this prohibition.
 - a. An employee is not on duty and attending an officially sanctioned private function, e.g., an invitation only library reception.
 - b. An employee is not on duty and at a City location as a customer, e.g., playing golf on a City course.
 - c. An employee is a member of the Police Department and as a part of the employee's official duties consumes alcohol in accordance with Police Department procedures as described in OMS 304.10.
 - 2. As part of official duties, members of the Police Department according to established department procedures may consume alcohol. However, it is grounds for discipline, up to including immediate dismissal, if members of the Police Department consume alcohol in violation of their department procedures.
 - a. The alcohol levels defined by the state legislature that may be amended from time to time for defining "under the influence of alcohol" and "impaired by alcohol" are adopted here for purposes of this Operations Manual.
 - 1. These current alcohol level definitions are contained in the Addendum to Executive Order 94. If there is a conflict between the state legislature and the DOT regulation, alcohol level definitions and the ones contained in the Addendum to Executive Order 94, the state legislature and DOT regulation definitions will take precedence.

2. Employees holding Commercial Driver's licenses (CDL) are also subject to the alcohol levels defined by the Department of Transportation (DOT) regulations that may be amended from time to time for "under the influence" which are adopted here for purposes of Executive Order 94.

2. Illegal Drugs

- a. Employees are prohibited from consuming, being under the influence of, or impaired by illegal drugs while performing City business, while driving a City vehicle or while on City property.
- b. Employees are also prohibited from selling, purchasing, transferring or possessing an illegal drug.
 1. There is one exception to this rule. As a part of official duties, illegal drugs may be handled, controlled and disposed of according to established department contraband procedures by employees. However, it is grounds for discipline, up to and including immediate dismissal if employees sell, purchase, transfer or possess illegal drugs at any time other than as a part of their official duties.

c. Legal drugs

1. It is the responsibility of the employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public to advise their supervisors that they are taking prescription medication that may affect their performance.
2. Employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public are prohibited from consuming, being under the influence of, or impaired by legally obtained prescription drugs while performing City business, unless the following two determinations have been made:
 - a. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer, after consulting with the Occupational Health and Safety Clinic (OHSC) personnel, that the employee's job performance will not be affected and that the employee does not pose a threat to his/her own safety.
 - b. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer after consulting with the OHSC personnel that the employee will not pose a threat to the safety of co-workers or the public, and the employee will not disrupt the efficient operation of the agency.
 1. If appropriate, the OHSC personnel may contact the employee's personal physician. Prior to making contact with the employee's personal physician, the OHSC personnel should obtain a medical release from the employee.
 2. The OHSC shall keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.
 3. Employees may be required to use sick leave, take a leave of absence or comply with other appropriate non-disciplinary actions determined by the appointing authority until the above determinations can be made.

3. The DOT regulations prohibit employees with CDLs from using marijuana, even for approved medical reasons. If the federal and Colorado laws are in conflict on this issue, the federal law will take precedence.

Therefore, a positive marijuana drug test will be treated as an illegal drug use for employees with CDLs, subjecting them to all rules contained herein for illegal drug use even if a physician has prescribed the marijuana for medical reasons.

d. Drug and alcohol testing

1. Pre-Employment

- a. The Civil Service Commission or interviewing agency shall perform pre employment drug screening of all applicants in accordance with their policies and procedures.
- b. Employees who will be filling jobs defined as safety-sensitive or requiring a CDL, prior to the first time the employee performs a safety-sensitive function, shall be tested for controlled substances and may be tested for alcohol.
- c. Refusal by an applicant to submit to a pre-employment test shall result in denial of employment.

2. Reasonable Suspicion Testing

- a. When a supervisor or command officer has reasonable suspicion that any employee is consuming, under the influence of, or impaired by alcohol or illegal drugs after taking appropriate safety measures, i.e., removing the employee from any situation which may pose a safety risk to the employee, co-workers or the public, the supervisor or command officer shall immediately consult with the Internal Affairs on-duty/on-call command officer to determine further actions. However, if immediate consultation is not possible, it is the responsibility of the supervisor or command officer to promptly initiate alcohol and/or drug testing. The supervisor or command officer shall initiate testing as follows:

1. Alcohol

- a. Document in writing on Drug and Alcohol Testing, DPD 667, the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee's appearance, behavior, and speech or body odors.
- b. When possible, have a second supervisor or command officer, confirm the specific contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odors.
- c. Advise the employee that the supervisor or command officer is ordering the employee to go to the testing site for testing.
- d. Escort the employee to the testing site as soon as possible. However, if the supervisor or command officer is unable to escort the employee, the supervisor or command officer should have another individual escort the employee for testing. The individual selected to escort the employee shall be of a higher grade/rank than the employee being tested.
- e. Require the employee to bring a picture identification card and proof of the employee's Social Security or employee/badge number to the testing site.
- f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or command officer should tell the employee that the testing request is a direct order and that refusal to comply with a direct order of an authorized supervisor or command officer might subject the employee to discipline, up to and including dismissal.
- g. After the initial test results are known, the supervisor, command officer or escort shall contact the Internal Affairs on duty/on-call command officer for further guidance. If the Internal Affairs on-duty/on-call command officer is unavailable and the supervisor, command officer or escort has a reasonable doubt about the employee's ability to satisfactorily and safely meet job requirements, the supervisor, command

officer or escort shall place the employee on investigatory leave pending results of testing or other administrative determinations.

- h. No supervisor, command officer or escort should allow an employee to drive to or away from the testing site or the work site. However, if the employee does drive off, follow OMS 204.02.
 - 1. During regular OHSC hours, the testing shall be conducted at one of the OHSC testing sites. These testing sites are located at Denver Medical Health Center, 605 Bannock Street, 4th floor, and the Denver International Airport, Main Terminal, 6th level. After regular hours, the supervisor or command officer shall page the OHSC alcohol and drug testing personnel at (303) 851-2877 to arrange for immediate testing.
 - 2. Testing should be administered within two (2) hours of making a reasonable suspicion determination. If this two hour (2) time frame is exceeded, the supervisor or command officer should document the reason the test was not promptly administered on Drug and Alcohol Testing, DPD 667. Supervisors or command officers who do not test employees within this established time frame may be subject to discipline, up to and including dismissal.
 - 3. Supervisors, command officers and escorts shall keep the employee's name and identifying information restricted to persons who "need to know."

2. Illegal drugs

- a. Follow the steps listed above in Section 13.d.2.a.1.(a-h)
- b. However, testing for illegal drugs should be administered within eight (8) hours of making a reasonable suspicion determination. If this eight-hour (8) time frame is exceeded, the supervisor or command officer must document the reasons the test was not promptly administered on Drug and Alcohol Testing, DPD 667. Supervisors or command officers who do not test employees within the established time frame may be subject to discipline, up to and including dismissal.
- c. If a supervisor or command officer has reasonable suspicion that an employee appears to be in possession of, selling or transferring illegal drugs not within the employee's official duties, the Internal Affairs on-duty/on-call command officer shall be notified.

3. Post-accident testing

- a. As soon as practicable following a driving or other workplace accident, the supervisor or command officer shall ensure that driver-employee is tested for alcohol and drugs when the accident:
 - 1. May have been the fault of the employee and the accident involves a fatality; or
 - 2. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident; or
 - 3. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or any equipment; or,
 - 4. There is reasonable suspicion to test the employee.
- b. Post-accident alcohol and drug testing should be administered within two (2) hours following the accident. Supervisors or command officers who do not test employees within the established time frames may be subject to discipline, up to and including dismissal.

- c. When one of the post-accident criteria for testing applies and the incident involved a death, serious injury or an allegation that a serious crime has been committed, the District Attorney's Office shall be contacted prior to ordering drug and/or alcohol testing.
- 4. Random Testing
 - a. The Department may implement, with the City Attorney's approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the Department.
 - b. Pursuant to the DOT regulations, random alcohol testing shall be conducted annually on 25% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing shall be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.
 - c. Pursuant to the DOT regulations, random drug testing shall be conducted annually on 50% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Drug testing shall be conducted on a random, unannounced basis. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions
- 5. Return to Duty Testing
 - a. If an employee has violated the prohibited conduct listed in Section 15 b. of this provision, the employee shall not return to perform Department duties unless the employee has completed a successful return to duty alcohol and drug tests and any other requirements imposed by Executive Order 94.
- e. Testing and Documentation
 - 1. When a Denver Police Department employee is taken for an Executive Order 94 related test, whether Post Accident, Reasonable suspicion or other test, both a drug and alcohol test are required. Testing will be done at the Occupational Health and Safety Clinic or Denver Health Medical Center under most circumstances.
 - 2. Escorting Supervisors will complete Drug and Alcohol Testing, DPD 667, briefing outlining the reason for the test and follow the distribution at the bottom of the form.
- f. Injured Employees
 - 1. When a Denver Police Department employee is transported to a medical treatment facility, the supervisor shall determine the following:
 - a. If the employee will be released within two (2) hours of the incident the supervisor will escort the employee to the Occupational Health and Safety Clinic (OHSC) for testing.
 - b. If the employee is not going to be released within two (2) hours, the OHSC Lab Technician will be contacted and respond to DHMC to administer the tests. If the employee is hospitalized at another treatment facility, the OHSC Lab Technician will not respond. The escorting supervisor must ask the treatment staff to perform the tests.
 - c. If the employee is initially unconscious and regains consciousness within the two hour (2) period, both drug and alcohol tests will be administered.
 - d. If the employee regains consciousness after the two hour (2) period but before eight (8) hours, the alcohol test will not be administered, but the drug test will be completed.
 - e. If the employee remains unconscious for more than eight (8) hours, contact the Professional Standards Unit who will in turn contact the City/District Attorney's office to proceed.
 - f. If the event of a change in shift, it is the responsibility of the original supervisor to inform the on-coming supervisor of the situation. The on coming supervisor shall then ensure that the tests are completed within the time constraints.
 - g. Positive Tests
When an employee is tested for drugs and alcohol, the requesting Supervisor will receive the test results immediately. Should the results indicate positive for drugs and/or alcohol, the supervisor will immediately notify the on duty or on call Internal Affairs Division representative.

- h. Evening/Weekend Tests
In the event a test is needed during other than normal duty hours (0700-1500) and a call-out is necessary, employees shall contact Denver 911 personnel who will then page the OHSC on call Technician.

(14) Discipline Advisory Group Standing Committee

- a. The Discipline Advisory Group (DAG) Standing Committee shall consist of: (i) the Executive Director of Safety and/or Deputy Director of Safety; (ii) the Chief of Police and/or his or her designee; (iii) two officers from each command officer rank starting at Lieutenant and up to and including Commanders; (iv) one Deputy Chief or Division Chief selected by the Chief of Police; (v) one officer from each employee organization that is designated by the Executive Director of Safety for representation on the DAG Standing Committee; (vi) two officers of any rank from the bargaining agent and one legal representative from the bargaining agent; (vii) the Executive Director of the Denver Civil Service Commission; (viii) a representative from the Denver City Attorney's Office; (ix) a representative from the Office of Independent Monitor; (x) a representative from the Citizen Oversight Board; and (xi) a specified number of representatives from the community as determined by the Executive Director of Safety and the Chief of Police. The Executive Director of Safety or his or her designee shall be the Chairperson. The Chief of Police or his or her designee shall be the acting Chairperson in the absence of the Chairperson.
 - 1. All sworn members of the Standing Committee shall serve, at the discretion of the Executive Director of Safety, for no more than three (3) years with the exception of the initial committee. See OMS 503.01(12)(a)(3).
 - 2. Members shall be selected by a process to be established by the Executive Director of Safety.
 - 3. After the initial Standing Committee has been established and has functioned for three (3) years, one third of the sworn members of the committee shall be replaced through the process established by the Executive Director of Safety for each successive year until the entire original sworn committee members have been replaced.
 - 4. The command officers selected for the committee shall include at least two (2) but no more than four (4) representatives from the Patrol Division.
 - 5. Non-sworn committee members shall be selected, serve and be replaced at the discretion of and through a process to be established by the Executive Director of Safety and the Chief of Police.
- b. DAG Standing Committee Responsibilities
 - 1. The Standing Committee shall review and suggest changes, where appropriate, to the Conduct Principles and Disciplinary Guidelines, as contained in the Discipline Handbook, and other Departmental policies and procedures regarding discipline.
 - 2. The implementation of any changes suggested by the DAG Standing Committee shall be within the sound discretion of the Executive Director of Safety and Chief of Police.

503.02 Supervisor's Situation Record, DPD 127

- (1) The Supervisor's Situation Record, or Incident Book, shall be used by supervisors to record incidents of minor misconduct or exceptional attention to duty. Disciplinary matters and commendations will also be noted. See OMS 109.02(2) #127.
- (2) Oral Reprimands
 - a. Oral Reprimands are an approved police department disciplinary action administered as the result of a sustained disciplinary action.
 - b. Oral Counseling or admonishment may be administered for failures of standard policy or procedural guidelines, such as tardiness, failure to wear the uniform hat, incomplete report, etc. This activity should be recorded in the Supervisor's Situation Record, DPD 127, and will not be termed an Oral Reprimand.
- (3) No officer shall have any comment adverse to his interest entered in the Situation Record or personnel file without having the opportunity to read and sign the instrument containing the comment. The officer may, within thirty days of learning of the adverse comment, file a written response to be attached to the adverse comment.

503.03 Commendations**(1) Policy:**

The Denver Police Department recognizes that its employees perform their duties at a consistently high level on a daily basis and that the actions of some of its employees rise above the standard expected meriting special recognition. The Department further acknowledges that the total police mission could not be accomplished without the efforts of all of its employees, both sworn and non-sworn.

Furthermore, the Department recognizes the vital and beneficial contribution made by its volunteers and citizens.

Therefore, it is the policy of the Denver Police Department to award, in an official manner, meritorious conduct by its employees, volunteers, and citizens who exemplify and embody the standards as set forth in the following policy; promote community involvement and which bring honor upon themselves, the Department, and the City and County of Denver.

There will be two events where award recipients of the Medal of Honor, Medal of Valor, Purple Heart, Officer of the Year, Outstanding Volunteer of the Year, and Career Service Employee of the Year will be recognized:

- a. The annual Denver Police Foundation event – the individual will be presented with the appropriate medal, shirt pin and/or certificate.
- b. The annual Denver Police Department Recognition event – a recognition event for employee award recipients, family and friends. No awards will be presented.

All other award recipients will be presented with a certificate by the appropriate division commander.

(2) Denver Police Department Commendations

- a. Medal of Honor (sworn only)
- b. Medal of Valor (sworn only)
- c. Officer of the Year
- d. Purple Heart
- e. Lifesaving
- f. Excellence in Crime Prevention
- g. Volunteer of the Year
- h. Career Service Employee of the Year
- i. Outstanding Volunteer
- j. Community Service
- k. Official Commendation
- l. Career Service Employee of the Quarter

(3) Procedures

- a. Any employee of the Denver Police Department may nominate a sworn officer, civilian member, or citizen for a commendatory award. This includes commendations prepared from outside law enforcement agencies.
 1. All commendations prepared on the Inter-Department Correspondence, DPD 200, shall be signed by the commending individual and forwarded through his/her chain of command for approval. After approval, all commendation nominations shall be forwarded by the commander, via email to the Awards Committee DPDCommend@denvergov.org for review.
 2. All commendations prepared by outside law enforcement agencies shall be forwarded to the Awards Committee via email at DPDCommend@denvergov.org.
 3. Nominations for Volunteer of the Year will be sent to the Volunteer Program Administrator, who will then forward the nomination to the Awards Committee.
 4. All letters of compliment and commendation from all other sources are to be sent to the Office of the Chief of Police for action.
- b. Commendations shall be written in a clear and concise fashion, omitting police jargon and detailed information about suspects in the incident (example: race, age, D.O.B., direction of flight), etc. Additional documents such as Supplementary Reports, After Action Reports, Commendatory Action Report, or correspondence should be submitted as well to assist the Board in determining the appropriate award.

- c. When more than one (1) officer is involved in a commendable incident, the narrative of the commendation shall specify the actions of each individual officer. Individual specifics will aid the Awards Committee to recommend the most appropriate award.
- d. Unless otherwise waived by the chief of police, the chair or the Awards Committee all nominations for commendations are required to be submitted to the Awards Committee within six (6) months of the incident.
- e. All commendable actions resulting from involvement in a major event, such as an officer-involved shooting, shall be considered by the Awards Committee at the same time.
 - 1. Any officer involved shooting must receive a letter of clearance from the District Attorney's Office and the department's Use of Force Review Board before the incident can be reviewed.
 - 2. If deemed necessary, a special meeting of the board may be called, dedicated solely to the major event in question.
 - 3. The investigator assigned to the incident may be required to attend the meeting and make available the entire case file, including all video and audio tapes.
 - 4. The Awards Committee member will, at this meeting, review the case with the investigator, view all video tapes, and listen to any audio tapes. All aspects of the incident and all proposed commendations will be discussed, but no final determination will be made concerning any awards at this time. The board will reconvene within 48 hours to vote on the awards.
 - 5. A conference call meeting will be acceptable at the discretion of the chair of the Awards Committee.

(4) Awards Committee

- a. The Awards Committee will be comprised of the Denver Police, Police Chief's Chief of Staff, as chairperson in a non-voting capacity (except to break a tie), one lieutenant, one sergeant, two officers, two career service employees, and one community member.
 - 1. The lieutenant, career service and citizen members will be nominated by the commanders. The district commanders will nominate the officer and sergeant members.
 - 2. The selection of the board members will be made by the Chief of Police.
- b. The board will review and evaluate each nomination based on the information received. During the consideration of awards, the board may choose to investigate the nomination and is empowered to call any officer witness or invite civilian witnesses to appear.
- c. The Awards Committee will review award nominations and make recommendations to the chief of police. The chief of police will determine what, if any, award is appropriate.
- d. Eligibility

Any Denver Police Department employee (sworn or career service) may be eligible to receive any of the awards granted by the department with the following exceptions.

 - 1. The following awards are limited to Active Duty and Reserve Police Officers of the Denver Police Department:
 - a. Medal of Honor
 - b. Medal of Valor
 - c. Officer of the Year
 - 2. Citizens are eligible for the following awards:
 - a. Excellence in Crime Prevention
 - b. Purple Heart
 - c. Life Saving
 - d. Community Service
 - e. Official Commendation
 - 3. Historical Awards

Procedure for consideration of a "historical" award nomination:

 - a. The nominating person must conduct all research and investigation.
 - b. The nomination will be sent via email to DPDCommend@denvergov.org for review.

- c. If the nomination is awarded, it will be presented at the annual retiree luncheon, which usually coincides with the police memorial ceremony held annually in May.

(5)

Award Standards

a. Medal of Honor – Active Duty and Reserve Police Officers

- 1. Awarded by the Chief of Police to an individual for an act of outstanding bravery or heroism by which the individual has demonstrated in great degree the characteristics of selflessness, personal courage, and devotion to duty at the risk of their own life. The individual's actions substantially contributed to the saving of, or attempted saving of a human life.
- 2. This is the highest and most prestigious Department award and there must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the actions must clearly render the individual conspicuous by an act so outstanding that it clearly distinguishes heroism beyond the call of duty from lesser forms of bravery. It must be the type of deed that, if not done, would not subject the individual to any justified criticism.
- 3. A posthumous award may be made to an individual who has lost their life under conditions where they endangered themselves in circumstances consistent with good police practices.
- 4. The award will consist of a Medal of Honor, a shirt pin, and a certificate.

b. Medal of Valor – Active Duty and Reserve Police Officers

- 1. Awarded by the Chief of Police to an individual for an act, in the face of great danger, wherein valor, courage, and bravery are demonstrated over and above that normally demanded and expected.
- 2. This is the second highest Department award and to warrant this distinctive decoration, the act must be performed in the presence of great danger or at great personal risk and by its nature resulted in saving a life, the prevention of a serious crime, or the apprehension of a person who committed a serious crime. The action must be performed in such a manner as to render the individual highly conspicuous.
- 3. The award will consist of a Medal of Valor, a shirt pin, and a certificate.

c. Purple Heart Award – Sworn Officers/Reserves, Career Service, VIPs, and Citizens

- 1. Awarded by the Chief of Police to an individual who is seriously or critically injured while performing a heroic and/or police action. This award will be limited to those cases resulting from attack by an assailant, personal combat, or the performance of an act of valor.
- 2. This award can be awarded in conjunction with other awards.
- 3. The award will consist of an enamel bar for sworn officers, a plaque for career service, VIP, and citizens, along with a certificate.

d. Excellence in Crime Prevention

- 1. Through personal initiative and ingenuity an individual develops a program or plan which contributes significantly to the department's mission; or through innovative crime prevention strategies, combats issues affecting the community.
- 2. The award will consist of an enamel bar for sworn officers, a plaque for career service, VIPs, and citizens, along with a certificate.

e. Lifesaving Award – Sworn Officers/Reserves, Career Service, VIPs and Citizens

- 1. Awarded by the Chief of Police to an individual who, through exceptional knowledge and behavior, performs a physical act which saves the life of another person and there is no danger to the individual's life.
- 2. The award will consist of an enamel bar for sworn officers, a plaque for career service, VIPs and citizens, along with a certificate.

f. Community Service Award – Sworn Officers/Reserves, Career Service, VIP and Citizens

- 1. Awarded to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of community affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.

2. This award will consist of a paper certificate
- g. Official Commendation – Sworn Officers/Reserves, Career Service, VIPs and Citizens
 1. Awarded to an individual who, by exemplary conduct and demeanor, performs at a superior level of duty, exhibiting perseverance with actions resulting in a significant contribution to the department and/or improvement to the quality of life in the community. Or, an individual who supervised or managed a tactical situation of an active, evolving incident as the on-scene commander.
 2. The award will consist of a paper certificate.
- h. Outstanding Volunteer Award – Sworn Officers/Reserves, Career Service, VIPs
 1. Awarded by the Chief of Police to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of the department's mission, vision and values, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
 2. This award will consist of a paper certificate.
- i. Officer of the Year Award
 1. This award will be made available to an officer who has represented the department in all facets of law enforcement with a commitment to excellence, in support of the mission and values of the organization. The officer has consistently persevered in the prevention of crime and demonstrated initiative, leadership and dedications to the law enforcement profession.
 2. This award may be awarded annually to an individual officer, technician, corporal, detective, sergeant or command officer or as determined by the Chief of Police.
 3. The Officer of the Year Award will consist of a medal and a shirt pin.
- j. Career Service Employee of the Quarter
 1. This award will be made available to a career service employee who continually performs their duties through perseverance and dedication to excellence and outstanding customer service. Demonstrating a positive attitude when interacting with others and highly motivated with innovative ideas to improve efficiency, benefiting the department and community. Documentation of positive customer feedback will be considered for this award.
 2. The Career Service Employee of the Quarter award will consist of a paper certificate.
- k. Career Service Employee of the Year Award
 1. This award will be made available to a career service employee who has represented the department in all facets of service with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manner in which they were hired.
 2. The Career Service Employee of the Year award will consist of a plaque
- l. Volunteer of the Year Award
 1. This award will be made available to any employee of the department or citizen who has represented the department in all facets of service with a commitment to excellence, in support of the values of the organization as a volunteer.
 2. The Volunteer of the Year Award will consist of a plaque.

503.04 Performance Evaluation Reports

- (1) The officer performance evaluation report (OPER) will be completed annually on each officer up to and including the rank of captain. Evaluations will document an officer's performance for the time from January 1st through December 31st each year. The evaluations will be due to the Human Resource Management Division March 1st.
 - a. Officer's immediate supervisors will make a minimum of one Supervisor's Situation Record (SSR) entry per officer, during each work period. The officer's chain of command is responsible for insuring the entry is made. Supervisors should refer to the annual Evaluation Training Bulletin for specific instructions regarding these entries.

- b. In those instances where a period in excess of three months has expired since their last performance evaluation, an officer will receive an officer performance evaluation report completed by the officer's immediate supervisor upon any transfer from an assignment, including transfers due to promotion. Performance evaluations are not mandated when an officer transfers to the medical unit or specialized training lasting up to three months (detective training for example).
 - c. All evaluations require documentation for the rater to assign a numeric value above or below a '3'. No rated task will be assigned a '4' unless the rater can provide specific documented incidents primarily in the form of SSR entries
 - 1. To support the rating, copies of the Supervisor Situation Record entries made within the time frame of the evaluation must be attached to the evaluation prior to the evaluation being sent through the chain of command to The Human Resource Division.
 - 2. Command officers will not approve an evaluation that does not include the attached SSR copies.
 - d. The Human Resource Division will not send out evaluation forms for completion. Each bureau or district commander is responsible for insuring that every officer under their command is evaluated as described above, and that the evaluations are sent to the Human Resource Division by March 1 of each year. The evaluations will be produced on the computer using the evaluation form template.
- (2) Probationary officer's performance reports shall be completed as follows:
- a. While assigned to the Police Academy, a Recruit Officer will be evaluated at the end of each work period. The Recruit will be evaluated on the Training Bureau End of Period Evaluation, DPD 292D. The Academy staff or Field Training Officers assigned to the Academy shall prepare these reports.
 - b. After leaving the Academy and while receiving field training, each probationary officer shall be evaluated by a Field Training Officer. The evaluation will be documented on the Daily Observation Report, DPD 292, and End of Phase Report, DPD 292B.
 - 1. Each completed Daily Observation Report shall be reviewed by a F.T.O. Coordinator and filed in the station personnel files.
 - 2. Every End of Phase Evaluation report shall be approved by a F.T.O. coordinator and District Commander before the original copy is sent to the Program Coordinator. A copy shall also be placed in the station personnel files.
 - c. After successfully completing the F.T.O. Training Program, the probationary officer shall be rated at the end of each work period by his/her immediate supervisor on the Officer's Performance Evaluation Report.
- (3) All raters should refer to the Officer Performance Evaluation Report Training Manual.
- (4) In making performance evaluation, supervisors should consider the available information on the Supervisor's Situation Record, DPD 127, and any other information about the officer being rated that would indicate work habits, work performance and work product.
- (5) Each officer shall be rated by his immediate supervisor. The rating form shall then be forwarded to the next level of command for approval or rating change.
- (6) The rater will then hold the mandatory performance evaluation meeting with the officer. At this time, the officer must sign the first page of the OPER. This does not indicate agreement with the rating, just that the OPER has been reviewed with the officer.
- (7) Any rating changes recommended by a second level supervisor or any rating changes made by a unit commander shall be brought to the attention of the individual officer being rated as well as to the attention of the immediate supervisor who prepared the original rating.
- (8) The ranking officer in the chain of command shall, after approval of and/or changes in rating, forward the original to the Human Resource Division.
- (9) Any employee who appeals his or her performance evaluation must file the appeal in writing within fifteen (15) days of the date they sign for their evaluation. The appeal shall only be made through the chain of supervisors responsible for the original rating, regardless of where the supervisors may currently be assigned. No supervisor outside the original supervisory chain is allowed to change an employee's performance evaluation. The final decision for any appeal rests with the respective Division Chief. Evaluations are not eligible for appeal beyond the Division Chief.

- (10) The appeal must be processed through the entire chain of command no later than 30 days from the date the employee signed the evaluation. At the conclusion of the thirty-day (30-day) appeal period, which begins the day the employee originally signed for his/her performance evaluation; all rating scores will be final.

504.00 - EQUIPMENT AND SUPPLIES

504.01 Care and Use of Vehicular Equipment. See OMS 112.01.

- (1) Commanders or their designees shall conduct quarterly general-purpose inspections of all departmental vehicles and vehicular equipment assigned to their respective commands. These inspections will be in addition to those daily vehicle inspections done by personnel prior to driving departmental vehicles.
 - a. Assigned vehicles shall be inspected for any unreported damage, unauthorized alterations, missing or defective vehicle and auxiliary equipment, and neglected maintenance.
 - b. All problems discovered during a general-purpose inspection shall be corrected or investigated further.
 - c. All units shall be accounted for and their assignments verified in writing to the fleet management bureau. See OMS 112.02.
 - d. No vehicle shall be reassigned without the written authorization of the Division Chief of Technology and Support. The division chief shall sign the Vehicle Re-Assignment, DPD 614, form beneath the signatures of the commander relinquishing the vehicle, and the signature of the commander accepting the vehicle.
- (2) Commanders or their designees shall investigate all incidents of damage, loss, or misuse of assigned vehicles and vehicular equipment.
 - a. The commanding officer shall send a written report on the results of the investigation through the chain of command.
 - b. The commanding officer shall initiate action to prevent the abuse of police fleet equipment and correct the behavior of those subordinates who neglect, misuse, or damage that equipment.
- (3) Cross-reference: D&R 7.14, OMS 112.01 through 112.11, and 203.08.

504.02 Requisitioning and Receipt of Supplies Procedures

- (1) All requests that will or may initiate the purchase of any materials, supplies, or a service or repair, must be made in writing on Request for Service or Supplies, DPD 201, and signed by a commanding or supervisory officer.
- (2) Requisitions for stationery supplies and other items normally procured through the Supply Section will be sent directly to that office.
- (3) Routine Forms Request
 - a. All requests for DPD numbered forms are to be submitted to the Supply Section on Request for Service or Supplies, DPD 201. When stocks are nearing depletion, the Supply Section will submit a resupply order to the Research and Development Bureau.
 - b. Supplies of forms which are used by only one unit within the department will not be maintained in the Supply Section. The entire stock will be delivered to the unit which uses them. It is the responsibility of that unit to anticipate its needs and reorder, through the Research and Development Bureau, before supplies are exhausted.
- (4) Request for Form Design or Revision
 - a. All printing requisitions for new or revised forms, including those funded by special grants, shall be processed through the Research and Development Bureau. Research and Development personnel will be responsible to proofread and edit for policy/rule conflicts.
 - b. Requests for new forms or for form revisions are to be approved by the Division Chief(s) whose Division(s) utilize the forms. An example of the form is then submitted to the Research and Development Bureau for forms control, standardization, and printing.

- (5) When more than fifty (50) photocopies are needed, personnel from the requesting unit or bureau may run those copies in the Research and Development Bureau. All copying and printing requests requiring service from any agency outside the Department must be processed through the Research and Development Bureau.
- (6) Requisitions for supplies not stocked by the Supply Section will be sent to the Financial Services Bureau.
- (7) Immediately upon receipt of the items ordered, the receiving individual will weigh, count, or otherwise measure the items and record the quantity, date, and sign their full name. All receipts will then be forwarded to the Financial Services Bureau.
- (8) Receiving data regarding partial shipments shall be accumulated on the reverse side of this form and when the total shipment has been completed, the appropriate notations shall be made in the receiving columns on the face of the form.
- (9) Damaged or non-conforming shipments shall be refused, and appropriate notations made on the reverse side of the form.
- (10) After the shipment of all items on this form have been completed and appropriately noted by the receiving individual, this form along with all packing slips, delivery memos, bill, and invoices shall be immediately returned to the Financial Services Bureau.

504.03 Issued Supplies and Equipment (Revised 05-2011)

- (1) The Supply Section will requisition and store stationery supplies and deliver across the counter these items upon receipt of a Request for Service and Supplies, DPD 201, properly made and approved by a supervisory officer. Commanding officers are requested to anticipate stationery needs for a period of at least one (1) month, and recognizing that processing must be allowed, submit requisitions no more frequently than is necessary to replenish needed supplies. This is not intended to prevent the ordering of supplies on an emergency basis, but to reduce to a minimum the number of times emergency orders are requested.
- (2) Officers shall not use Police Department letterheads except for authorized departmental correspondence. All official communications, telegrams, circulars and other correspondence sent out from this department shall conform to the format as prescribed by the Chief of Police.
- (3) The Uniform Supply Unit will store and issue all property presently issued to classified members of this Department, such as uniform requisitions, leather goods, badges, code books, etc. See OMS 111.09(1).
- (4) Records of standard issue items will be maintained by Uniform Supply and officers will be held accountable for issued property.
- (5) The issuing and receiving of property will be subject to the procedures promulgated by the Financial Services Bureau.
- (6) In all instances of loss of departmental or personal property, such as the service revolver, an Offense/Incident Report, DPD 250, shall be made.
- (7) Officers may be held financially responsible for the loss of any item of departmental or personal property as a result of culpable negligence on their part.
- (8) All officers are cautioned to exercise appropriate measures in caring for property entrusted to them. Officers shall immediately report in writing the circumstances under which the loss occurred. Copies of the Offense/Incident Report, DPD 250, and the officer's report shall be forwarded through the chain of command to the officer's Division Chief, and then to the Financial Services Bureau. See OMS 111.09(2).
- (9) Upon retirement, after a minimum of ten (10) years service, and with the approval of the Chief of Police, all items not of current issue may be retained by the officer.
 - a. These items include raincoat, name plate, belt, mace case, riot helmet with shield, Identiseal, gas mask, municipal code book, operations manual, tote bag, safe-t-vest, pepper spray, trousers, winter shirts, summer shirts, hat, all-weather jacket, glove pac, tie, cloth badges, hand cuff case, and ticket book cover.

- b. Any equipment that is of current issue including but not limited to gas mask, ballistic helmet, and mag Mace shall be returned to uniform supply.
- c. If an officer chooses to return any items issued, Uniform Supply Personnel will accept the item and inspect it for reissue.
- d. If an officer has been issued non-standardized equipment required as part of an assigned position, the officer will return these items (e.g. firearm, radar gun, etc.) to the bureau/unit responsible for the item or in cases that the item is unique to the officer (leather coat, head set, etc.) to Uniform Supply.
- e. Upon resignation or separation, an officer shall return all items of issue, including breast badge and hat badge to Uniform Supply as described within the following classifications.

1. **Recruit Resignation**

Upon determination that a recruit officer will be separating from the department, the **Recruit Exit and Interview Procedures** shall be followed. Subsequent to this process, the following return of equipment guidelines shall be followed.

At the completion of the recruit exit and interview process, an Officer's Equipment Clearance Form (DPD 2A), located under DPD templates (T:\DPD) within the department network, will be initiated by a command officer or designated supervisor of the officer's assignment at the time of separation. The initiating command officer or supervisor will be responsible for recovering any special issue equipment provided to the officer as a result of the current assignment. Form DPD2A will then be forwarded via email to "DPD Uniform Supply" found under the department's global email system. No hard copies will be accepted. The remaining portion of the form will be completed by uniform supply personnel indicating all items returned and/or any costs associated with items not returned for which the officer is responsible.

Note: The Officer's Equipment Clearance Form must be completed before processing in Human Resources and is required before final payout is authorized.

Upon the return of all equipment, the Officer's Equipment Clearance Form (DPD 2A) will be printed out, signed as required, and provided to the separating officer for submittal to the Human Resources Bureau. An electronic version will be maintained by Uniform/Supply.

The signed Officer's Equipment Clearance Form (DPD 2A) and all other required paperwork will be taken to the Human Resources Bureau for final separation processing.

2. **Normal retirement or resignation**

Under normal retirement or resignation situations, a command officer or designated supervisor from the officer's assignment at the time of separation shall have the responsibility to initiate the completion of the Officer's Equipment Clearance Form (DPD 2A) located under DPD templates (T:\DPD) within the department network and recover all special issue equipment related to that assignment. The top portion of the form shall be completed in full and forwarded via email to "DPD Uniform Supply" found under the department global email system. No hard copies will be accepted.

Upon forwarding this form, the separating officer may then respond to Uniform/Supply for an inventory of required standard issue equipment to be returned. The remaining portion of the form will be completed by uniform supply personnel indicating all items returned and/or any costs associated with items not returned for which the officer is responsible. The Officer's Equipment Clearance Form (DPD 2A) will be printed out, signed as required, and provided to the separating officer for submittal to the Human Resources Bureau. An electronic version will be maintained by Uniform/Supply.

Note: The Officer's Equipment Clearance Form must be completed before processing in Human Resources and is required before final payout is authorized.

3. Resignation or termination under IAB investigation.

If an investigation into an officer's conduct rises to that of a Felony charge under the Colorado Revised Statute, a member of the Internal Affairs Bureau will take possession of the following items:

1. Departmentally issued weapons
2. Police Badge
3. Police Identification
3. Police Radio
4. Departmentally issued phone

All items with the exception of departmentally issued weapons will be placed into the Property Bureau and maintained until the disposition of the case. Departmentally issued weapons will be taken to the Firearms Section by IAB personnel for storage or reissuance as deemed by the officer's command.

If the officer is reinstated, the Internal Affairs Bureau will be responsible for returning all equipment to the officer prior to a return to duty.

In those instances when an officer is terminated or resigns as a result of an IAB investigation, and whose personnel assignment at the time of such resignation or termination was modified to reflect assignment under the Internal Affairs Bureau, it shall be the responsibility of a command officer or designated supervisor from the Internal Affairs Bureau in conjunction with the officer's previous assignment to initiate the Officer's Equipment Clearance Form (DPD 2A) located under DPD templates (T:\DPD) within the department network. All identified special issued equipment as related by the officer's previous assignment shall be accounted for or noted as appropriate on form DPD2A. These items once returned shall be maintained by the officer's previous assignment.

Upon completion of the initial portion of form DPD2A, IAB personnel will notify Uniform/Supply of the pending inventory in order to expedite the equipment clearance process and/or schedule a time for processing. All other aspects of the equipment clearance procedure will follow that of the normal retirement or resignation process.

(10) Retired Police Identification

- a. Retired police identification will be issued only to officers honorably separating after twenty (20) or more years of service and to those officers who have completed academy training and have later been forced to accept a disability retirement because of line of duty injury.
- b. Officers honorably separating after twenty (20) or more years of service will ordinarily be entitled to concealed weapons authority in conjunction with their retired identification.
 1. Other separating officers desiring concealed weapons authorization may request this privilege from the Chief of Police.

(11) Retention of Badges

Official police badges and identification of the Department are the property of the Denver Police Department and remain so even after issue to members and retired members. It is the Department's responsibility to ensure that only authorized persons are allowed to be in possession of these items.

- a. Only those separating officers who are entitled to retired police identification, as described in subsection (10) above, may be allowed to retain their official police breast and hat badges.

- b. Officers who are promoted to a higher rank may be allowed to retain their previously issued badge, subject to Departmental approval and reimbursement of any Departmental expense.
 - c. Officers are authorized to obtain an additional badge or "flat badge" for use while in active service, subject to Departmental approval and reimbursement of any Departmental expense.
 - d. All officers who are allowed to retain an official badge, whether issued or obtained, will be required to sign a Memorandum of Understanding, DPD 181, acknowledging that the badges are the sole property of the Denver Police Department and are subject to immediate recall and that they must be retained for the officers' exclusive use and may not be sold, destroyed, traded, or disposed of in any way.
- (12) Any police officer whose assignment necessitates an undercover operator's license shall obtain approval from the chief of police and the Director of the Colorado Bureau of Investigation. This process is administered by the Intelligence Bureau. When the officer is reassigned to a unit that does not continuously engage in undercover work, or when for any reason the undercover identity is no longer needed, the undercover operator's license shall be surrendered to the Intelligence Bureau for appropriate disposition with the Colorado State Motor Vehicle Division.

504.04 Inventory and Transfer of Department Property and Equipment (Revised 05-2011)

- (1) Each division, bureau, section and unit will maintain an inventory of all city owned property meeting the definition of capital, controlled, or tracked assets under Fiscal Rule 4.2.
- a. Definitions under this rule will be as follows:
 - Personal Property:** Moveable fixed assets such as equipment, furniture, vehicles, machinery, or fixtures that are not attached to land, buildings or improvements.
 - Capital Assets:** Assets, including personal property, land, buildings, improvements other than buildings, and infrastructure with a historical cost of \$5,000 or greater, shall be capitalized.
 - Controlled Assets:** All personal property assets with a historical cost between \$2,500 and \$4,999.99 shall be controlled. Computer equipment (except software) and communications equipment (except cell phones and pagers) will be controlled if historical cost is between \$500 and \$4,999.99.
 - Tracked Assets:** Personal property, with a minimum cost of \$500, that does not meet the definition of either capitalized or controlled property may be tracked at an agency's request.

In addition, each assignment will also maintain an inventory of those items deemed trackable by the Chief of Police that fall outside of the defined property in 504.04 (1) a. All such items will be included in the supplied list of assets from the Inventory Control Unit during the annual physical audit. This will include the following categories of equipment:

 - 1. Less lethal
 - 2. Radar
 - 3. Electronics
 - 4. Police Tools (e.g. ballistic shield)
 - b. The Inventory Control Unit will be responsible for the completion of an annual physical audit to be conducted each January of all assets described under 504.04 (1). As part of this audit, the Inventory Control Unit will provide each division with an updated list of division capital, controlled and other assets to be tracked on an annual basis. The results of this audit will be reported to and recorded by the Inventory Control Unit.
 - 1. The physical inventory of computer equipment, as described within controlled assets 504.04 (1) a., will be conducted by department personal as part of the required yearly physical audit.
 - 2. The physical inventory of communications equipment (radios, mct's), as described within controlled assets 504.04 (1) a., will be conducted by cCity Technical Services personnel as part of the required yearly physical audit.

- (2) It shall be the responsibility of every command officer to maintain this inventory and such maintenance shall include:
 - a. Determining the accuracy of the inventory when leaving a command. ICU will assist bureau commanders with the inventory when command changes if requested.
 - b. Accepting the inventory upon assignment to a command.
 - c. Making proper notification to the Inventory Control Unit on DPD 121A when such items are transferred, received, surplused, or reported lost/stolen.
- (3) Each bureau/district commander shall appoint a command or supervisory officer to act as the district/bureau Inventory Control Officer. This officer shall be responsible for the day-to-day implementation of this function. The Inventory Control Officer shall also act as the liaison to the Inventory Control Unit of the Division of Research, Training and Technology.
 - a. Inconsistencies in inventory (i.e. missing items or overages) will be brought to the attention of the bureau/district Inventory Control Officer to rectify or attempt to locate the property.
 - b. The bureau/district Inventory Control Officer will complete a GO report (Lost/Stolen Property) when missing items cannot be located or reconciled and forward to the Inventory Control Unit immediately.
- (4) DPD Form 121A shall be used to record changes in inventory location and status. Upon transfer or disposal of property, form 121A will be sent to the Inventory Control Unit via department email at "DPD Asset Management" for final reconciliation. Form 121A will be utilized for all department tracked assets as determined by the Chief of Police. For firearms please refer to 504.05.
 - a. The asset, barcode, or serial number must be recorded during each inventory or when a disposition of a tracked item is required. All equipment lacking such information should be reported to the Inventory Control Unit. In instances where a bar code, serial or asset number are not available or for which attachment to the described item is impractical, a detailed description of the item will be utilized
 - b. Requested action refers to the type of action requested by the bureau or district. Use 'TRAN' to transfer the property to another command, city agency, or user. Use 'SURP' to indicate the property is to be surplused. Use 'LOST' to indicate items reported as lost or stolen when a GO has been completed. Use 'ADD' to indicate the addition of a new item to the tracked assets of the assignment.
 - c. Item description should include a concise description of the item and identifying information that may be used if an asset number or barcode number is not included (ex. serial number).
 - d. Current location refers to the specific unit/bureau the item is assigned at the time of request.
 - e. New location refers to the specific unit/bureau to which the item is being transferred or reassigned. This includes tracked specialized equipment assigned to individual officers (i.e. canine, firearms, etc.)

504.05 Firearms Inventory (Revised 05-2011)

- (1) Each unit/bureau shall be responsible for maintaining an accurate inventory of all department owned firearms under their control.
- (2) The Firearms Section is responsible for an annual physical audit of all firearms to be conducted each January.
 - a. The Firearms Section will be the central repository for all department owned weapons and will be responsible for maintaining a department wide inventory of all department owned firearms.
 - b. It shall be the responsibility of each unit/bureau to make notification to the Firearms section on DPD 121a via email to "DPD-Firearms Section" of any addition, transfer or surplus (destruction) of a department owned firearm.
 - c. The Firearms Section will coordinate with the Inventory Control Unit to ensure that all records of department owned firearms are accurate and current.

504.06 Building Maintenance

- (1) All requests for building maintenance or alterations will be directed to the Technology and Support Division.
 - a. Requests concerning conditions requiring immediate attention may be made verbally to the Deputy Chief of Administration Office, or, after normal working hours, to the supervisor of the Communications Bureau.
 - b. All non-emergency requests must be made in writing and submitted to the Deputy Chief of Administration.
- (2) The Deputy Chief of Administration will forward all requests for work of a non-custodial nature to the Public Office Buildings Division, which will be responsible for completing the work.

505.00 - PERSONNEL ISSUES AND PROCEDURES

505.01 Days Off (Revised 12/2014)

- (1) The Denver Police Department work year shall consist of thirteen (13) twenty-eight (28) day periods. A work week begins on Sunday at 0001 hours and ends on Saturday at 2400 hours.
 - a. Officers shall be credited with attendance for the calendar day on which they report for duty.
- (2) In the event that the department adopts a fourteenth (14th) period during any calendar year, officers working eight-hour (8-hour) shifts shall receive an additional two (2) regular days off, and officers working ten-hour (10-hour) shifts shall receive an additional three (3) regular days off.
- (3) Shift changes and transfers will take place on the first (1st) or fifteenth (15th) day of a work period, unless special circumstances require immediate changes.
 - a. Shift assignment and regular days off shall be granted at the discretion of the Unit Commander.
 - b. Shift length shall be determined by the Chief of Police.
- (4) The shift length shall remain the same throughout an entire work period.
 - a. During each work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each work period, officer working eight-hour (8-hour) shifts shall receive eight (8) regular days off and officer working ten-hour (10-hour) shifts shall receive twelve (12) regular days off.
 1. All officers receive eight (8) hours off each year for their birthdays, scheduling of which is subject to the approval of their commanding officer based on staffing needs.
 2. The time off taken will be marked on the TeleStaff calendar with the work code Birthday.
 3. All Saved Holiday time must be used before November 30th of the same calendar year or the time will be lost.
 4. Birthday or Saved Holiday taken off will be recorded on the TeleStaff calendar with the correct work code.
 - b. When submitting day off requests prior to the work period in which a holiday falls, officers who have not elected one or more of the holidays off in a block must declare a preference of pay or time for the upcoming holiday. When two (2) holidays fall within a work period, they may be split. An officer may elect pay for one (1), and time for the other.
 1. An officer who elects time will be entitled to eight (8) additional hours off during the work period, or sixteen (16) additional hours off in work periods in which there are two (2) holidays. These will be voted by seniority as regular days off.
 2. Officers, who request pay and work the actual holiday, will receive the holiday pay, as well as premium pay for actual the hours worked on the holiday.
 - c. Posting of Days Off
 1. The days off schedule, including shift assignment hours, must be signed and posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule will be signed by the commanding officer or designee and the date and time of the posting shall be noted. The schedule shall be posted in a location within the unit of command where it may be viewed by officers assigned to that duty location.

2. An officer's normal shift is established upon official notification of posting of days off. An officer whose shift is changed after notification may be entitled to premium pay overtime except in emergency circumstances, as specified in Article 19, Change of Shift, of the Collective Bargaining Agreement. "An emergency under article 19.3 shall be defined as an unexpected urgent circumstance the prevention of which could not have been reasonably foreseen. The circumstances of the emergency will be brought to the attention of the appropriate Division Chief by the Commanding officer of the District, Bureau or Unit involved as soon as possible after the circumstance becomes evident. The nature of the emergency and those officers affected by the scheduling change will be documented in writing and forwarded via the Chain of Command to the appropriate Deputy Chief for review. The Chief of Police or the Deputy Chief has the authority to grant the emergency exception and still authorize pay or comp time as provided in Article 19.3 at their discretion."
 - a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
 - b. In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one half (1½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.
 - c. Officers shall not be entitled to overtime pay for changes in days off unless it falls within the provision of Article 15, of the Collective Bargaining Agreement, and less than eight (8) hours of relief is provided between shifts.
 - d. A letter from the supervisor/commander who changed the shift shall be forwarded through the chain of command to Payroll outlining the reason for the change of shift, if the officer requests cash payment.
- (5) Hours worked in excess of one hundred seventy-one (171) in a work period must be considered overtime in accordance with FLSA. It shall be incumbent upon commanders to arrange for compensatory time off for officers who are approaching the one hundred seventy-one (171) hour limit, prior to the end of each work period.
- (6) Vacation, Accumulated Sick Leave, Sick, Injured, and Line of Duty Injury are considered as working time and shall be reflected on the Attendance Records with the appropriate designations.
- (7) All Sick, Injury in the Line of Duty, and Injury Not in the Line of Duty shall be carried on the Attendance Records with the appropriate designations. For officers on limited duty, who are working less than an eight (8) hour shift see OMS 502.02(7).
- (8) Suspensions, without pay, are non-working time and will be reflected in the Attendance Record.
 - a. Periods of suspension will be identified in the Attendance Record and notation made in the comments to explain any days off forfeited.
 - b. Commanders will consult with the Human Resource Management Bureau to determine the number of regular days off allowed during the suspension period.
- (9) On-Call Requirements - All police officers, regardless of rank or appointed position, that are placed in compensated on-call status must be readily available to respond. It is the officer's responsibility to provide a phone number that they will immediately respond to while in on-call status. On-call status requires the officer to respond within sixty (60) minutes of receiving the phone call.
 - a. When in an on-call status, officers ***must log each call received*** on log sheet, *DPD CBA 27.4 On-Call Activity Log*. Officers will use one log sheet per work period and will turn the completed log sheet into his/her supervisor at the end of the period, prior to the first Wednesday of the new period.
 1. The supervisor will review the log sheet, ensuring its accuracy, prior to giving it to a command officer for entry into TeleStaff.
 2. The On-Call Activity Log will be retained as identified in OMS 109.05(6).

- b. Officers in a compensated on-call status will go off on-call status and on to call back status for purposes of compensation when the officer must respond out to a location. The officer will return to compensated on-call status as scheduled, when call back time is completed. ***The officer cannot be compensated for both on-call status and back out status simultaneously.***
- c. Scheduled Disciplinary Action - Officers placed in on-call status by the Chief or his/her designee and who receive compensation for on-call status must respond to a call for duty. Officers who fail to respond to a call for duty are subject to discipline as follows:
 - 1. 1st Offense (within 12 months): Written Reprimand
 - 2. 2nd Offense (within 12 months): Fine of 8 hours (1 day)
 - 3. 3rd Offense (within 12 months): Chronic Offender (violations will be dealt with more severely within the Disciplinary Matrix)

505.02 Vacation

- (1) Officers hired on or after January 1, 1996, shall accrue vacation as follows:

Length of Employment	Annual Leave Hours Accrued Each Year of Regular Time Worked
a. 1 st through 4 th year.....	112 hours
b. 5 th through 9 th year	136 hours
c. 10 th through 14 th year	144 hours
d. 15 th through 19 th year	168 hours
e. 20 th through 24 th year	184 hours
f. 25 th year and thereafter	200 hours

Officers hired prior to January 1, 1996, shall accrue vacation as follows:

Length of Employment	Annual Leave Hours Accrued Each Year of Regular Time Worked
a. 1 st through 10 th year	144 hours
b. 11 th through 19 th year	168 hours
c. 20 th through 24 th year	184 hours
d. 25 th year and thereafter	200 hours

- (2) Vacation shall be accrued for each month of service, prorated on the above schedule.
- (3) Subject to the limitations of 9.3.1 vacation time must be used in the calendar year in which it is received except that an officer may carry over up to one-hundred forty-four (144) hours of vacation time to be used subsequent to the time of accrual.
 - a. Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire. Exceptions may be made by the Chief of Police.
- (4) Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer's estate. Payment due under this article shall be made within sixty (60) days of the date of the officer's separation from the department or within sixty (60) days from the officer's death or the appointment of a personal representative on behalf of the officer's estate.
- (5) Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.

- (6) Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by the work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of a work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hour shifts shall use five (5) regular days off and officers working eight (8) hour shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer's period of vacation subject to the needs of the department and the Chief's discretion.
- (7) Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the Commander.
- (8) Transfers after vacation voting:
 - a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.
 - b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.
- (9) In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.]
- (10) Except in an emergency under procedures determined by the Chief of Police, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.]
- (11) The use of vacation time shall be voted by seniority as follows:
 - a. Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of Detective, Corporal, and Technician are not Civil Service ranks therefore, for voting purposes they will be treated as a Police Officer. Division chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.

505.03 Overtime

- (1) All officers up to and including the rank of Lieutenant shall be paid at the overtime rate of time and one-half (½) of the officer's base rate for all hours worked in excess of their daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) in the work period. Captains shall be compensated for all hours worked in excess of their daily work shift at the normal rate.
- (2) All overtime will be reported on Officer's Overtime Authorization/Accumulated Time Returned, DPD 154, according to the provisions in OMS 109.02(2), DPD 154.
 - a. The form shall indicate the exact date and times during which the overtime was worked and a clear description of the reason for the overtime.
 - b. The form shall include the complete rank, signature, and serial number of the superior officer verifying the overtime.

- (3) Command officers shall ensure that a compensatory time record for every officer assigned to their command resides on a Department server designated by Technology Services (TS). Compensatory time records will not be maintained on the hard drive of any personal computer.
 - a. Security disks that are required for data entry or modification of compensatory time records will be stored in a secure location that is only accessible by the command officer responsible for approval and entry of compensatory time.
 - b. Command officers, with the rank of lieutenant or above, shall be the only officers authorized to enter compensatory time records into the computer system. All entries shall include the badge number of the command officer entering the information.
 - c. Compensatory time for command officers shall be approved and entered by their superior officer.
 - d. A summary indicating the compensatory time balance for each officer will be printed and forwarded to the Human Resource Management Bureau along with the Attendance Record following the completion of each Work Period.
 - e. Command officers will regularly compare the compensatory records, Attendance Records, and Secondary Employment information of officers under their command for any apparent conflicts or violations.
- (4) Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative, or enforcement duties.
- (5) When an officer is assigned to work overtime, and where such overtime work is mandatory, the officer working the overtime may elect to be compensated in cash payment or compensatory time. The officer shall fill out DPD 154, and designate either cash payment or compensatory time. Supervisors shall follow the distribution instructions on DPD 154 for distribution of the form.
 - a. After working overtime, the officer must designate, on DPD 154, whether compensation is to be returned in time or pay. Supervisors shall follow the distribution instructions printed on the bottom of the form.
 - b. Officer's Overtime Authorization/Accumulated Time Returned, DPD 154, being forwarded to Payroll, Financial Services Bureau, for payment must be received within thirty (30) days, but must first be forwarded through the District/Bureau Commander.
 - c. The maximum amount of compensatory time that can be accrued by an officer is eighty (80) hours. Exceptions may be granted by the officer's Division Chief. In the absence of approved exceptions, any overtime worked after an officer has accumulated eighty (80) hours of compensatory time must be compensated in pay.
 - d. Upon request of the officer, compensatory time may be used within a reasonable period after making the request, with the approval of the officer's commanding officer. Pre-approved vacations take precedence over requests to use compensatory time.
 - e. Officers on limited duty shall not be allowed to work overtime without prior approval of the Chief of Police.
 - f. Use of compensatory time will not be granted to any individual officer on a regularly scheduled basis for any purpose, including working Secondary Employment. See OMS 114.01.
 1. When the operational needs of the Department are not jeopardized, and when staffing permits, officers may seek prior written approval from their command officer to use compensatory time to work Secondary Employment. In such situations, commanders must document the nature of the circumstance on an Inter-Department Correspondence, DPD 200, and forward their justification to their Division Chief for review. The Division Chief will then forward the approved request to the Secondary Employment Unit for filing.
 2. When deciding to grant the use of compensatory time, command officers must adhere to the policy and principal that the officer's on-duty responsibilities have been met. Command officers must continually review the records of officer's under their command to ensure that during periods in which compensatory time has been granted, overtime was not routinely necessary to complete non-emergency duties.

3. No detail shall go below minimum staffing levels to accommodate an officer working Secondary Employment. See OMS 114.04(9)
- (6) CALL BACK: Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's regular shift and within two (2) hours of the officer's next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and two (2) or more hours prior to the officer's next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer's work assignment begins.
 - a. An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.
 - b. Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer's regular rate of pay or the actual time worked at the officer's regular rate of pay, whichever is greater.
 - c. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately report when the officer's work assignment begins.
- (7) Time worked in excess of one hundred seventy-one (171) hours in a Work Period is defined as overtime by the Fair Labor Standards Act and must be compensated in cash payment unless the officer has previously signed a waiver requesting compensatory time instead of cash payment.
 - a. The waiver must be signed and sent to Human Resource Management Bureau before the time is worked in order to be effective.
- (8) Compensation for off-duty court appearances will be according to the provisions set forth in OMS 103.02(5). DPD 154 shall be turned in immediately upon the officer's return to duty.
- (9) Functions which will not be considered overtime will include court resulting from a non-police action, athletic events or programs, medical attention for work-related injuries and off-duty activities.
- (10) Actual overtime worked is to be converted to time and one-half to the nearest 1/10th hour using the overtime conversion chart available from the Human Resource Management Bureau.
- (11) There will be no negative reporting.
- (12) Whenever an officer separates from the department, a printout of an officer's Compensatory Time Record, DPD 156, will be forwarded to the Human Resource Management Bureau.
- (13) Change of Shift and Cancellation of Days Off
 - a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
 - b. The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.

- c. Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer's scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted hours of a shift are changed within three (3) days of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.
- d. In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1 ½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.
- e. Command Officers scheduling shift changes for their personnel shall be mindful of this requirement and of the need for their personnel to be afforded appropriate rest time before reporting for a new shift and shall, whenever possible, schedule time off in such a manner as to eliminate the need for officers to report back prematurely.

505.04 Sick Leave

- (1) Officers shall accrue Sick Leave at the rate of twelve (12) hours each month.
 - a. Officers working an eight-hour (8) shift will have eight (8) hours subtracted from their sick bank. Officers working a ten-hour (10) shift will have ten (10) hours subtracted from their sick bank. The Sick work code is to be entered into TeleStaff by the officer's supervisor.
 - b. Days accrued in excess of a ninety (90) day bank will be taken annually as additional vacation time or compensated by salary payment at the discretion of the Chief of Police. This time is called Accumulated Sick Leave (ASL).
 - c. The maximum amount of Accumulated Sick Leave to be compensated in any one year is eighteen (18) days in excess of the ninety (90) day bank.
 - d. Accumulated Sick Leave shall be granted on the basis of seniority in rank and will be voted in the officer's district or assignment. ASL voting will take place after all vacations have been voted.
 - e. Upon termination of employment, the officer shall receive cash payment in full at the officer's regular rate of pay for all accumulated sick leave due.
 - f. Upon the death of an officer, cash compensation for all accumulated sick leave, as well as accumulated vacation leave, compensatory time, and other benefits, will be paid to the officer's surviving spouse or, if there is no spouse, to the officer's surviving children or, if there is no child, to the officer's estate.

505.05 Responsibility of Human Resource Management Bureau

- (1) The Human Resource Management Bureau shall be responsible for providing a departmental accounting system, adequate procedures and controls, and permanent records to maintain administrative control over overtime and leave records.

505.06 Military Absence

- (1) Officers who are absent from work for military service in one of the uniformed services and who are otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act ("USERRA") shall be granted leaves of absence for such military service.
 - a. Officers shall give the Department advance written or verbal notice of an absence due to military service. Written orders shall be forwarded to the Human Resource Management Bureau.
 - b. Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year.

- c. Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued leave, in lieu of unpaid leave, for all or any portion of the officer's absence due to military service.
- (2) Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.
 - a. The first pay period following the first 30 days of leave without pay, the officer can elect to remain enrolled in the insurance through COBRA. The COBRA rate is the officer's premium, the City's premium, plus a 2% administrative fee.
- (3) While on paid military leave, an officer's seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer's seniority will not be affected.
- (4) During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu or, to replace, or to supplement D.R.M.C 18-164. In the event D.R.M.C 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.
- (5) Military days will appear on the officer's calendar in TeleStaff when the officer was originally scheduled to work.
- (6) For extended periods of absence, refer to OMS 505.08(5)b.
- (7) Refer to OMS 505.08(3)b5 for Family and Medical Leave Military Exigency Leave Information.
- (8) Sick and vacation time will not accrue during the extended leave of absence unless the officer elects to use a minimum of 15 days of accrued leave per month.
- (9) Upon returning from extended military leave:
 - a. The officer should schedule a meeting with Human Resources to reinstate benefits.
 - b. The officer will supply HRMB with a DD214 or a letter of release from active duty from his commanding officer.
 - c. If the officer canceled benefits while on military leave and returns, the officer has 31 days to re-enroll in the City's benefits.
 - d. HRMB will provide the officer with the Extended Leave Questionnaire and instruct the officer to return the completed form to the Limited Duty Section. (see 505.08 (5)b)

505.07 Applications for Leave

- (1) All applications for sick leave, vacations, accumulated sick leave, military leave, or leave of absence shall originate in the unit where the officer is assigned.
- (2) When Attendance Records are submitted to the Human Resource Management Bureau, every notation of sick leave, vacation, accumulated sick leave, military leave, or leave of absence taken must be accompanied by a Leave Report accounting for such leave.
- (3) Application for leave shall be reported on the appropriate form, DPD 148 or DPD 148A.
 - a. Vacation, Military Leave, Accumulated Sick Leave, Leave of Absence - The original copy of the Vacation - Sick Leave Request, DPD 148A, shall be attached to the Attendance Record for the Work Period during which the leave was taken. In cases where leave spans two or more work Periods, the Leave Report shall be attached to the Attendance Record for the Work Period during which the leave began.

- b. Sick Leave - For sick leave, off-duty injury, family medical leave, and absent without leave (AWOL), the Absence Report, DPD 148, will be attached to the Attendance Record for the Work Period in which the leave was used. A copy of the Absence Report will be provided to the officer. If the use of sick leave spans two or more Work Periods, a separate Absence Report must be completed for each Work Period, indicating the number of sick leave days taken in that work period, and attached to the appropriate Attendance Record. The nature of the illness or injury shall be specified on the Absence Report only in the case of line of duty injuries.
 - c. Line of Duty Injury - Refer to OMS 505.08 to 505.12.
- (4) The effective date on the Absence Report will be the actual date the officer was absent.
 - (5) Return to duty date will be the date the officer physically reports for the first tour of duty.
 - (6) Any officer who is on leave without pay, including suspension, for more than fifteen (15) days of a calendar month shall not accrue vacation time or sick leave for that calendar month. In addition, officers shall not accrue days off proportionate to the number of days of leave without pay. The Human Resource Management Bureau should be contacted regarding the number of regular days off to be forfeited.

505.08 Use of Sick Leave, Leave of Absence

- (1) Statement of intent: The purpose of this OMS is to allow officers to achieve a balance between family responsibilities and work demands. Although the guidelines for use of sick leave have been broadened, each officer must recognize that the responsibility of the Denver Police Department is to provide a continuous high level of service to the public. Commanders, when granting such leave, shall insure that the police mission is not jeopardized.
- (2) Use of Sick Leave
 - a. Officers using sick leave shall notify or have their commanding officers notified at least one (1) hour before the officer's reporting time, except that officers requesting leave for foreseeable medical treatment shall make such request at least thirty (30) days in advance, if possible.
 - b. Officers who are absent for personal illness, injury, or to care for an immediate family member shall contact their unit commanders at three-day (3) intervals to report condition and progress of recovery, unless hospitalized.
 - 1. In the event that an officer is absent, due to personal illness, injury, or to care for an immediate family member, for more than three (3) days, the commanding officer shall notify the Human Resource Management Bureau.
 - 2. Officers who are absent, due to personal illness, injury, or to care for an immediate family member, shall not leave the Denver metropolitan area without prior approval from their commanding officer.
 - c. Confirmation of Illness/Injury
 - 1. Officers who are absent for personal illness, injury, or to care for an immediate family member, may be required to furnish a statement signed by an attending physician, or other proof of such illness satisfactory to their commanding officer. Such statement shall confirm that the officer's absence from duty was medically necessary.
 - 2. Officers requesting leave under the provisions of the Family and Medical Leave Act may be required to provide certification of the illness or injury. This certification may include information from a physician stating the date the condition commenced, the probable duration of the condition, appropriate medical facts concerning the condition, and, when care is for a family member, the need to have the employee assist in that care and the estimated duration of the need.
 - 3. If malingering is suspected, the commanding officer shall visit or have a supervisor visit the officer at the earliest reasonable time, during the hours of the reporting officer's normal duty hours, to verify the authenticity of the illness, injury, or for the care of an immediate family member.

4. Whenever the officer's commander believes that a physical examination is necessary to determine the condition of an officer who is off duty due to personal illness or injury; the officer shall submit to a physical examination as directed by the Department under the provisions set forth in OMS RR-1107. Officers who are off duty due to illness or injury shall authorize the attending physician to release information regarding their condition and ability to perform their duties to the Chief of Police.

(3) Family and Medical Leave Act of 1993

- a. In addition to using sick leave when an officer is incapacitated by sickness or injury, the Family and Medical Leave Act of 1993 (FMLA) allows sick leave to be used for parental leave or for necessary care and attendance during the serious illness of a member of the officer's immediate family.
- b. Definitions:
 1. Immediate Family is defined as spouse, son, daughter, mother, father, grandparents, grandchildren, brother, sister, in-laws, or domestic partner, and the parents, siblings, and children of the domestic partner, as well as minor children for whom the employee or the employee's domestic partner provide day-to-day care and financial support.
 2. Domestic Partner is defined as an unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses.
 3. Serious Illness is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
 4. Parental Leave is defined as leave for a birth or placement for adoption or foster care.
 5. Military Exigency Leave allows an employee who has a spouse, son or daughter, or parent in the National Guard or Reserves to take FMLA leave due to a qualifying exigency resulting from the covered family member's active military duty (or call to active duty status) in support of a contingency operation. It is part of regular FMLA leave, and the maximum amount of leave is 12 weeks during the employer's designated 12-month FMLA leave year (excluding military caregiver leave).
 - a. Qualifying Exigency includes any one or more of the following non- medical, non- routine activities and no others
 1. Short-notice deployment activities
 2. Military events and related activities
 3. Child care and school activities
 4. Financial and legal arrangements
 5. Counseling activities
 6. Rest and recuperation activities
 7. Post-deployment activities
 8. Additional activities
 - b. Caregiver Leave allows an employee who is the spouse, son or daughter, parent, or next of kin of a service member in the Regular Armed Forces, National Guard or Reserves (who has incurred a serious injury or illness in the line of duty while on active duty) to take FMLA leave to care for the service member.
 1. Maximum amount of leave is 26 weeks in a single 12-month period on a per-covered service member, per-injury/illness basis, measured forward from the date an employee first takes caregiver leave.
 2. During that single 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks.

- c. The provisions of this Act applies to officers who have completed twelve (12) months of continuous service and have completed 1,250 hours of work within the previous twelve (12) months.
- d. The amount of sick leave granted for parental leave or for necessary care of a sick member of an employee's immediate family shall not exceed twelve (12) weeks per twelve-month (12) period without approval of the officer's commanding officer and the Chief of Police.
- e. Up to twelve (12) weeks of parental leave may be granted to care for a child at the time of birth or adoption.
- f. Officers who are married to each other are limited to a combined total of twelve (12) weeks taken for reasons other than personal illness, including parental leave.
- g. In all but emergency cases, officers requesting Family and Medical Leave shall contact the Human Resource Management Bureau at least thirty (30) days in advance so that the eligibility process can begin.
- h. Human Resource Management Bureau personnel will determine if the officer meets the eligibility requirements. See OMS 505.08(3)c.
 - 1. Officers who are not eligible for Family and Medical Leave will be notified in writing and will be advised to seek other leave type options.
 - 2. Human Resource Management Bureau will review the request and if approved, will forward an approval letter to the officer and the officer's commander.
 - 3. Officers who are approved for Family and Medical Leave will document if they want paid or unpaid FML time on the FML paperwork.
 - 4. Human Resource Management Bureau will contact the officer to establish a calendar and discuss leave options. Human Resource Management Bureau will enter the FML in the officer's calendar in TeleStaff.
- i. Officers requesting leave under the provisions of the Family and Medical Leave Act have the option of using unpaid leave in lieu of paid leave.
 - 1. When paid leave is elected, officers may designate the type of leave to be used.
 - 2. Officers who require more than twelve (12) weeks, or who do not have a sufficient sick leave, vacation time, compensatory time, or saved time may:
 - a. Apply to the Chief of Police for donated sick time. See OMS 505.14.
 - b. Petition the Chief of Police for a leave of absence without pay not to exceed one (1) month.
 - c. Petition the Civil Service Commission, through the chain of command, for a leave of absence without pay for longer than one (1) month. See OMS 505.05 and 505.14.
- j. Officers on leave under Family and Medical Leave for an extended period of absence may apply to the Chief of Police for a reduced or intermittent work schedule, i.e., a leave schedule that reduces the officer's usual number of hours per week, or hours per day. The Chief of Police may require the officer to transfer to another assignment to better accommodate the reduced work schedule.
- k. Officers on Family and Medical Leave are not permitted to perform any Secondary Employment or Non-Police Secondary Employment Work, without written authority from the Chief of Police. The authorization must be provided and kept on file in the Secondary Employment office.
- l. Officers using extended leave under the provisions of the Family and Medical Leave Act will return to work at their same position or equivalent.
- m. Return to work process:
 - 1. Prior to returning to work, if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer is able to perform the essential functions of his or her position. Officers will not be allowed to return to work until the Human Resource Management Bureau receives the Fitness for Duty Pass.

2. Officers are required to complete any missed firearms qualification or required weapons certifications and achieve a passing score on the course of fire specified by the Firearms Bureau, prior to, but no later than thirty (30) days after their return from Family and Medical Leave.
3. Any officer who missed two or more firearms qualifications while on Extended Leave will attend Remedial Training if the officer fails to qualify upon their return.
4. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.

(4) Parental Involvement in K-12 Education Act

- a. Employees who hold either a non-executive or non-supervisory position and are the parents or legal guardians of children in kindergarten through twelfth grade are eligible for leave. The child may be enrolled in either a public or private school. The child may also be enrolled in a "nonpublic home-based educational program."
- b. The Act narrowly defines "academic activities" including parent-teacher conferences and meetings pertaining to special education services; response to intervention; drop-out prevention; attendance; truancy; or disciplinary issues. Academic activities such as athletic events and extracurricular activities (e.g. school play) are not covered under the Act.
- c. In addition to specifying the kinds of "academic activities" covered under this Act, the law also places a limit on the amount of hours that an employee may take as leave. A full-time employee may not take more than six (6) hours of leave in any one-month period during the academic year and not more than eighteen (18) hours total in any academic year. Parental involvement leave is limited to no longer than three (3) hour increments. An academic year is defined as a period required to complete "one grade level of study" not to exceed "twelve consecutive months."
- d. The Act places several responsibilities on the employee before leave may be taken. First, the Act encourages the employees to "make reasonable attempts to schedule academic activities" outside of normal business hours. The Act also places a burden on the educational institution and requires that schools use their "best efforts" to accommodate the employee's schedule. The Act also mandates that employees to provide employers with written "notice of the need for leave up to one calendar week in advance of the academic activity." The employee's advance written notice must include written verification from the school or school district of the academic activity on the school's letterhead. If advance notice is not possible due to an emergency, the employee is required to provide a notice to the employer "as soon as possible" and to provide the written verification for the leave upon return to work.
- e. The amount of leave available depends on the number of hours the employee works per week. While a full time employee is entitled to a maximum amount of leave per academic year (eighteen hours), any employee who works less than forty (40) hours per week receives their leave on a pro-rata basis. The pro-rata leave is based on the percentage of a full-time schedule the employee works.
- f. An employer may deny the leave in emergency or other situations where the absence may endanger a person's health or safety or in a situation where the employee's absence would result in the cessation of a service or the production of a good.

(5) Extended Periods of Absence

- a. Non-disciplinary leaves of absence may be granted to members of the Police Department by the Chief of Police or a designee, at the sole discretion of the Chief or designee, for a period not to exceed, except as required by federal or state law, one (1) year. All such leaves of absence shall be without pay unless: (a) the leave qualifies as FLMA leave and the member has accrued vacation leave, sick leave, accumulated sick leave, compensation time, saved vacation, or save holiday which the member chooses, in writing, to apply to the leave or (b) if the leave does not qualify as FMLA leave, the member may use accrued vacation leave or sick leave provided the member requests, in writing, to use such leave, and such leave is approved, in writing, by the Chief of Police. Except for paid leave, and as otherwise required by law, leaves of absence shall not count toward longevity or seniority in sick and vacation time will not accrue during the extended absence unless the officer elects to use a minimum of 15 days of accrued leave per month. See OMS Appendix A - CBA Article 14, Leave of Absence.

1. To be eligible for an extended leave of absence, the member must have completed at least five (5) years of continuous service. Exceptions may be made by the Chief of Police.
2. The officer must complete the Leave of Absence Request Form which can be obtained through HR. The officer must then complete the form, obtain signatures through the chain of command, and then submit the form to HR.
3. If the request for leave of absence is denied, the reason for denial shall be provided to the officer in writing.

- b. All extended periods of absence, including personal FMLA and disciplinary, shall be subject to the following provisions:
1. While on extended absence, all members of the classified service shall be held by the Chief of Police to the standard of conduct expected of an active member regardless of the length of absence.
 2. The Human Resource Management Bureau will provide the officer with the Extended Leave Questionnaire (DPD 713) when the officer initiates contact to reinstate benefits and return to work. The Extended Leave Questionnaire must be completed prior to returning to work. The completed form will be given to the Limited Duty Section for review, and if necessary, scheduling of exams.
 3. No member of the department who has been continuously absent for ninety (90) consecutive days or more shall be permitted to return to work until the reason for the extended period of absence and the responses to the Extended Leave Questionnaire are reviewed to determine if a Fitness for Duty evaluation is required.

Officers returning to work from FMLA leave must comply with the above section but are excluded from a Fitness for Duty evaluation. Officers returning from FMLA leave must submit a return to work pass, or if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer is able to perform the essential functions of his or her position. Officers will not be allowed to return to work until the Human Resource Management Bureau receives the pass, or a Fitness for Duty evaluation will be required. (see OMS Section 505.08(3)m.)
 4. A Fitness for Duty examination may include: a medical/physical examination; a psychological examination; a background investigation; and/or a polygraph examination; as determined by the Limited Duty Section. The Limited Duty Section will consult with the Commander of the Internal Affairs Division on officers returning from disciplinary suspensions or if otherwise necessary. A drug and alcohol screen is mandatory for all returning officers and will be scheduled by the Limited Duty Section.
 5. The Limited Duty Section sergeant will complete the Review of Extended Leave Questionnaire (DPD713a). Once the form is complete and includes the findings of any required exams the entire packet will be brought to the Office of the Chief of Police for the chief, or his designee, to review for consideration of fitness for duty. The chief or designee will sign off authorizing the officer to return to full duty, modified duty or provide further instructions.
 6. Any officer who missed two or more firearms qualifications while on Extended Leave will attend Remedial Training if the officer fails to qualify upon their return.
 7. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.
 8. Officers assigned to the Patrol Division may be assigned to work with a Field Training Officer for a period of time, at the discretion of their commanding officer.
 9. Officers who are on extended periods of absence, including personal and disciplinary, can elect to continue benefits.
 - a. The first 30 days of leave without pay the officer is responsible for their portion of the insurance premium.

- b. The first pay period following the first 30 days of leave without pay the officer can remain enrolled in the insurance through COBRA. The COBRA rate is the officer's premium, the city's premium, plus a 2% COBRA administration fee.

505.09 Medical/Modified Leave Section

- (1) Duties of the Safety Coordinator will include, but not be limited to;
 - a. The Safety Coordinator will monitor all officers in a medical leave or modified duty capacity. When there is any question regarding an officer's medical status, the Safety Coordinator will direct the officer to provide a current medical report from the authorized treating physician addressing physical restrictions.
 - b. The Safety Coordinator will continually monitor officers on Medical Leave/Modified Duty to ensure that the officers are returned to full duty assignments at the earliest date that is medically authorized.
- (2) Officers on Medical Leave, or Modified Duty
 - a. **Medical Leave** – for officers who sustain injuries, illnesses, or for those who are pregnant and who are expected to be off work for more than five (5) days.
 - 1. All TeleStaff attendance records will be kept by their supervisors at their present assignment. The Safety Coordinator will monitor the officer's schedule through TeleStaff.
 - a. If the leave is for a Line of Duty injury, the supervisors will choose Workers' Comp (W/C) as the work code in TeleStaff.
 - b. If the leave is for a Non Line-of-Duty Injury/Illness, the supervisor will choose the Sick work code in TeleStaff, or the appropriate code if on Family Medical Leave.
 - c. In the notes field, please add the date of injury as well as whether the injury/illness was a line-of-duty (LOD) or non line-of-duty (Non LOD)
 - 2. Officers on medical leave will not perform Secondary Employment Police Work or Non-Police Work unless receiving prior written authorization to do so by the Chief of Police.
 - a. Only Secondary Employment that does not violate the physical restrictions provided by the authorized treating physician providing primary care in a workers' compensation case will be considered for prior written authorization by the Chief of Police.
 - b. The written authorization must be provided and kept on file in the Secondary Employment Office.
 - 3. If an officer is unable to complete quarterly qualification at the range and they had time to qualify prior to the injury/illness, they shall submit a letter documenting the reason why they have not qualified. This letter must then be submitted to the Safety Coordinator.
 - b. **Modified Duty** – for officers who sustain on-the-job or off-the-job injuries, illnesses, or are pregnant and will be in a temporary modified duty for any period of time.
 - 1. All modified duty shall be offered to the officer in compliance with state law pursuant to the City and County of Denver modified duty policy. Any modified duty established for an officer at his/her present assignment shall be reported to the Safety Coordinator as soon as reasonably possible.
 - 2. All attendance records will be kept by their supervisors at their present assignment or temporary assignment if moved. The Safety Coordinator will monitor the officer's schedule through TeleStaff.
 - a. If Line of Duty injury/illness and the officer is working reduced hours, supervisors will choose the Modified Duty work code for the hours worked and Workers' Comp (W/C) as the work code for the appropriate time the officer was off work.

- b. If Non Line-of-Duty Injury/Illness and the officer is working reduced hours, the day shall be carried on the attendance sheet with the work code of Modified Duty for the hours worked and Sick or the appropriate code if on FMLA for time the officer was off work.
 - c. In the notes field, please add the date of injury as well as whether the injury/illness was a line-of-duty (LOD) or non line-of-duty (Non LOD).
- 3. Officers on modified duty will not perform Secondary Employment Police Work or Non-Police Work unless receiving prior written authorization to do so by the Chief of Police.
 - a. Only Secondary Employment that does not violate the physical restrictions provided by the authorized treating physician providing primary care in a workers' compensation case will be considered for prior written authorization by the Chief of Police.
 - b. The written authorization must be provided and kept on file in the Secondary Employment Office.
- 4. Officers on modified duty shall not be allowed to participate in any detective or specialized training program.
 - a. Only detective or specialized training programs that do not violate the physical restrictions provided by the authorized treating physician providing primary care in a worker's compensation case will be considered for prior written authorization by the Chief of Police.
 - b. A written authorization must be provided and will be retained in the officer's personnel file.
- 5. If an officer is unable to complete quarterly qualification at the range and they had time to qualify prior to the injury/illness, they shall submit a letter documenting the reason why they have not qualified. This letter must then be submitted to the Safety Coordinator, who will then forward it to the Chief of Police for approval.
- 6. Officers who are in Modified Duty must ensure they take all regular days off:
 - a. An 8-hour shift officer must use all eight regular days off in a period.
 - b. A 10-hour shift officer must use all twelve regular days off in a period.

(3) Pregnant Officers

- a. Upon receipt of a written report from her physician confirming her pregnancy and recommending a change in work status, a female officer will submit such report to the Safety Coordinator and her commanding officer and request temporary reassignment. The Division Chief will review this request for approval. If there is a question regarding an officer's ability to perform a particular temporary reassignment during her pregnancy, the Safety Coordinator may direct the officer to obtain current restrictions, if any, from the health care professional treating her for the pregnancy.
- b. The temporary reassignment will continue as long as the officer's physician concurs and as long as she can effectively perform her assignment. The officer's temporary reassignment will be based solely on the staffing needs of the department and any medical restrictions submitted by the officer's physician.
- c. When directed by her physician to discontinue performing her temporary reassignment duties, the officer shall apply for leave.

(4) Returning to duty – On-the-job Injury

- a. Prior to being allowed to return to work, all officers shall obtain a written return to work report from the physician who took the officer off work.
- b. The officer will be returned to the same or a similar assignment as held prior to the injury at the discretion of the Chief.

- c. If the officer is in a modified duty status, they may be reassigned by the Safety Coordinator in conjunction with the appropriate Division Chief according to their physician's recommendations. The Safety Coordinator will confer with the City's Risk Management Unit to ensure that all state requirements are followed.
- d. In no event shall the Department provide an officer with a permanent modified duty assignment.
- e. When the recovery time to which an officer may be entitled under the collective bargaining agreement is exhausted, the officer must either: (a) return to full duty with a physician's release; (b) seek reassignment to a vacant civilian Career Service position, if the officer is disabled within the meaning of the ADA as amended; or (c) seek a disability pension. An officer not returning to full duty shall be removed from the Department's payroll.

505.10 Line of Duty Injuries

- (1) All Classified Service and CSA employees of the Denver Police Department who are injured in the course and scope of employment are required to report the injury to the City and County of Denver's Ouchline 303-436-6824. The following procedure outlines the steps to be followed.
 - a. Non-Urgent Injuries (those not needing immediate medical attention)
 1. If an officer believes they have sustained a line of duty injury the officer shall immediately report the injury to their supervisor and shall call the Ouchline at 303-436-6824 before responding to a medical facility. This is a 24 hour a day, 7 day a week telephone line designated for taking the officer's report of injury. It allows a Nurse to review the officer's physical problem and make treatment recommendations. Medical recommendations from the Ouchline Nurse may vary from self/home care to consultation with the Center for Occupational Safety and Health at Denver Health or at a Concentra clinic. It may involve a recommendation for urgent or emergency care when appropriate, based on the medical situation involved.
 - b. Urgent Injuries (those needing immediate medical attention),
 1. In cases where obvious emergency medical attention is required, request for emergency medical personnel shall be made. An initial call to the Ouchline is not immediately required.
 2. When paramedic/ambulance personnel respond to the scene, they shall evaluate the nature and extent of injuries. They may direct the injured officer to be taken to the nearest adequate medical facility.

Paramedic/ambulance personnel may be advised that the "divert status" of Denver Health Medical Center operating rooms is in effect. If necessary, the injured officer will then be transported to a participating alternate hospital.
 3. A supervisor or command officer may determine the need for medical attention is so critical and the proximity to a physician or adequate medical facility is close enough that waiting for a Denver Health Medical Center ambulance is not practical. A police car may be used to transport the injured officer for medical assistance without delay.
 4. As soon as an officer seeking emergency care is physically able to do so, the officer should report the injury to the Ouchline @ 303-436-6824. If such a call will not be able to be completed by the officer in the 24 hours after the injury, a supervisor or command officer shall call the Ouchline and report the claim on behalf of the officer who is unable to do so.
 - c. If an officer experiences additional problems from their injury/illness, they should visit their authorized treating physician immediately. The officer should also immediately notify their supervisor and the supervisor shall notify the Limited Duty Section.
 - d. An injured officer/employee may not be reimbursed for medical treatment administered at any medical facility or by any individual unless the procedures outlined have been followed.
- (2) **Procedures** - In the event of a line of duty injury, it is necessary for the following steps/forms to be completed and processed:

- a. Call the Ouchline @ 303-436-6824 to report your injury.
 - 1. This phone call replaces the need for an Employee work injury report (ADM-4) and a Clinic Pass (ADM-27).
 - b. Supervisor's Report of Accident or Incident. The Supervisor's Report is completed by the injured employee's supervisor and forwarded to the Limited Duty Section. The Limited Duty Section will provide a copy of this form to the City's Risk Management Unit.
 - c. Return to Work Pass issued by the authorized treating physician providing primary care is required each time the officer/employee is seen by an authorized treating physician for the workers' compensation injury.
- (3) It is the responsibility of the injured person's supervisor to make certain the following reports are completed:
- a. Ouchline report by calling 303-436-6824
 - b. Supervisor's Report of Accident or Incident.
 - c. Return to Work Pass.
 - d. Other reports or information pertinent to the line of duty injury.
- (4) Officers who may not be aware of injuries at the time of an incident but who experience some physical symptoms later should bring such matters to the attention of their supervisor without delay and the officer shall call the Ouchline @ 303-436-6824. Necessary forms should then be completed.
- (5) Necessary hospital security is a responsibility of the Police Department for line of duty injuries.
- a. An officer from the same assignment as the injured member of the Police Department shall be assigned to guard the hospitalized person as soon as is practical after an incident whenever the commanding officer deems it to be necessary for the safety and well being of the injured officer.
 - b. Personnel shall be assigned in a shift concept to provide this protection on a twenty-four (24) hour basis.
 - c. Termination of such protection shall be at the discretion of the Commander to which the injured officer is assigned.
- (6) Officers injured while participating in athletic events authorized by the Chief of Police shall obtain medical treatment from their own physicians and submit claims to their own insurance carriers.
- (7) Any officer receiving an invoice or request for payment related to a line of duty injury shall contact the Limited Duty Section. The Limited Duty Section will assist in resolving responsibility for payment in a timely manner.
- (8) If an officer experiences a non-work related illness requiring medical attention while on duty, the officer will be excused from duty and should proceed to his/her personal care provider for medical attention. In such an instance, no Workers' Compensation documentation should be completed and the Ouchline should not be called. If it is determined that the officer may not be able to drive themselves to a medical facility, the supervisor may arrange transportation.
- (9) If the non-work-related illness is potentially life threatening or results in loss of consciousness, emergency medical personnel shall be immediately summoned for the officer.
- (10) In the case of a non-work related illness or injury which results in a loss of time or reassignment to limited or modified duties, the incident should be documented on a DPD-200 and forwarded to the Limited Duty Section through the officer's chain of command.
- (11) Since non-work related illnesses and injuries are not covered under Workers' Compensation, an officer will be responsible for any medical bills arising out of any care related to any non-work-related illness.
- (12) The City's Risk Management department will investigate and make a determination regarding work relatedness or eligibility for Worker's Compensation benefits on any claim/incident reported to them as potentially work-related.

505.11 MEDICAL LEAVE, and/or /MODIFIED DUTY - RETURNING TO DUTY**1. If the claim is accepted by the City's Risk Management Unit:**

- a. No sick time will be taken from the officer's sick bank for time taken from work for such injury/illness as long as the officer sends a copy of the Return to Work Pass or Doctor/Therapy Appointment Verification Form to the Safety Coordinator. Once time off is confirmed, the time will be changed by the Safety Coordinator to reflect LOD as the work code in TeleStaff. If the Verification Form is not turned in to confirm the time off, sick time will be deducted.

2. In the event the claim is contested or denied by the City's Risk Management Unit:

- a. Sick time will be deducted from the officer's sick bank.
- b. The officer may then apply to the Chief of Police by submitting a request to the Pension Board requesting that his/her sick time be returned. See section 505.12.

3. Recurring Injuries:

Officers with a recurring injury will follow the same guidelines as stated in 505.10 (2), (3), and (4)

4. To the extent provided by the collective bargaining agreement, an officer who is disabled by reason of an admitted on-the-job injury/illness and rendered unable to perform those duties shall be granted any necessary leave of absence not to exceed one (1) year. Every effort will be made to assist the officer during the period of recovery. "Recovery" is interpreted to mean that the officer is able to return to full duty status, with or without reasonable accommodation.

- a. If an officer has the proper physician's medical release and can work in a temporary modified duty assignment within the Department, he/she will be placed in such assignment, if available. If such a position is not available, the officer's supervisor or commander shall contact the Department's Safety Coordinator who will work with the City's Risk Management Unit, who shall assist the Department in locating a temporary modified duty assignment.
- b. An officer with a line of duty injury requiring medical attention for such injury at times other than during regular scheduled work hours shall not be entitled to receive overtime pay or compensatory time for such time spent away from work. Situation permitting, the officer's commander may adjust the officer's work schedule to accommodate such treatment.
- c. If an officer is off work for a line of duty injury or illness during scheduled work hours, the department may designate such as leave pursuant to the Family Medical Leave (FML).
- d. If an officer receives an invoice or request for payment relating to medical care for a line of duty injury shall contact the Safety Coordinator who will assist the employee in resolving responsibility for payment in a timely manner.

505.12 Applying to the Police Pension & Relief Board (Pension Board) for Benefits

- (1) Upon receipt of the notice from the City's Risk Management Unit contesting or denying liability for claims of on-the-job injuries/illnesses, officers may contact the Human Resource Management Bureau to apply for the return of lost sick time. If the initial request to the city's Risk Management Unit was not filed within the (4 day) required time frame as per OMS 505.10(2)a., additional documentation must be provided to the Police Pension & Relief Board to justify the reason for the delay in reporting.
- (2) The officer shall complete the Application to the Pension Board and attach any medical information to support his/her request.
- (3) The application and any additional supporting documentation shall be returned to the Human Resource Management Bureau within thirty (30) calendar days from the date of mailing to the employee's address on file from the Human Resource Management Bureau notifying them of the denial. The Pension Board will NOT consider applications relating to denied workers' compensation claims that are submitted for injuries that are 120 days or older.
- (4) The Human Resource Management Bureau shall forward all the information regarding the injury to the investigating committee of the Police Pension for consideration.
 - a. The Pension Board will then consider and evaluate the officer's request and make a recommendation to the Chief of Police or his/her designee for approval or denial.

- b. The Chief of Police or his/her designee will then make his/her decision on the application for the return of time based upon the information provided, taking the Pension Board's recommendation into consideration.
- c. Should the Chief of Police or his/her designee approve an officer's application for the return of sick time, such approval shall not be deemed as an admission of liability or acceptance of the officer's worker's compensation claim by the City.
- d. Should the Chief of Police or his/her designee deny the officer's application for the return of sick time, the officer will have 30 days from the date of the denial letter to request a hearing before the Pension Board to reconsider their recommendation. Written notice for the request to a hearing must be submitted to the Secretary of the Pension Board.

505.13 Equal Employment Opportunity for Individuals with Disabilities

(1) Policy

It is the policy of the Department to provide equal employment opportunity to individuals with disabilities. This Rule is intended to comply with and be interpreted consistent with the Americans with Disabilities Act of 1990 ("ADA") as amended. This rule is also intended to comport with the requirements of the consent decree entered by the U.S. District Court in *United States v. City and County of Denver, et al.*, 96-K-370. CSA employees are governed by the Career Service Rule involving reasonable accommodation for individuals with disabilities.

(2) Disability Discrimination

No member of the Department shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, or privileges of employment.

(3) Reasonable Accommodation

The Department shall provide a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the Department.

(4) Qualification Standards and Direct Threat

It is not a violation of this policy for the Department to apply qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability if such standards, tests, or selection criteria have been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation. Qualification standards may include a requirement that an individual shall not pose a direct threat to the health or safety of the individual or other individuals in the workplace. Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a reasonable accommodation.

(5) Qualified Individual with a Disability

A disabled individual is an individual who has a physical or mental impairment that substantially limits one or more of the individual's major life activities. A qualified individual with a disability is an individual with a disability who can perform the essential functions of the position he or she holds or to which he or she seeks reassignment, with or without reasonable accommodation. Affecting a forcible arrest and shooting a weapon are essential functions of all Classified Service positions within the Department, regardless of rank or assignment. Other essential functions are included in the job descriptions for the Classified Service positions within the Department or otherwise defined by the commanding officers.

(6) Interactive Process

The Department shall engage in the ADA interactive process upon notice of a police officer's need for reasonable accommodation. Such interactive process shall be a flexible, informal process that involves both the Department and the officer. The Career Service Authority may also be involved in the interactive process. The purposes of the interactive process shall be to determine if the officer (1) is a qualified individual with a disability within the meaning of the ADA; and (2) if so, whether the officer can be reasonably accommodated in his/her position as a Denver Police Officer, or in a vacant Career Service position. The interactive process requires good faith participation from both the officer and the Department. An officer who engages in bad faith in the interactive process may be denied a reasonable accommodation and, if applicable, disqualified from employment. The duty to engage in an interactive process is triggered by either of the following events:

- a. When an officer provides notice that he/she needs a reasonable accommodation for a physical or mental impairment including on or off the job injuries or illnesses, by suggesting to his/her superior officer, supervisor, manager, or personnel officer that he/she requires a reasonable accommodation or needs to change or modify the manner, extent, or method of his/her job duties or responsibilities. The officer may provide notice orally or in writing. The notice may be given in "plain English" and the officer does not have to use the words "reasonable accommodation," mention the ADA, or use any specific terminology to give notice; or
- b. When the Department has actual or constructive notice that a police officer may have a disability for which that officer needs a reasonable accommodation. The Department may be placed on such notice through its knowledge of the officer's hospitalization and treatment; placement of work restrictions on the officer by physicians; the officer's receipt of a permanent impairment rating under workers' compensation; or communication with family members, treating physicians, its own medical personnel, or medical personnel from the city's designated provider.
- c. Any superior officer, supervisor, or manager who receives notice of a request for reasonable accommodation shall contact either the Human Resource Management Bureau or the Safety Coordinator in writing within forty-eight (48) hours of receiving such notice.

(7) Disability determination

- a. In making the determination that an officer has a disability within the meaning of the ADA and any resulting limitations, the Human Resource Management Bureau and/or the Career Service Authority may request and review medical records and other documentation in the possession, custody, or control of the officer who claims to have a disability or his/her health care providers. The Human Resource Management Bureau and/or the Career Service Authority also may obtain an independent medical evaluation for the purpose of gathering information needed to make this determination. Such examinations and evaluations shall be reasonable and paid for by the Department.
- b. If the officer is determined not to be disabled as defined in this Rule, disqualification proceedings shall be initiated if the officer nevertheless is unable to perform the essential functions of position.

(8) Reasonable accommodation

If the officer is determined to be disabled within the meaning of Title I of the ADA, the Human Resource Management Bureau and the employee shall endeavor to identify any reasonable accommodations the employee may need to perform the essential functions of his or her position.

In order to determine whether an officer requires reasonable accommodation to perform the essential functions of his/her position, the Department shall undertake an individualized assessment of the officer's ability to perform the essential functions of his/her current job.

This individualized assessment shall include consideration of all relevant factors including the individual's background, knowledge, skills, abilities, and experience, and shall determine whether the individual can perform the essential functions. The preferred option always shall be a reasonable accommodation that allows the employee to remain in his/her existing job as a Denver Police Officer.

(9) Reassignment to a Vacant Career Service Position

- a. If it is determined, during an interactive process, that a disabled officer cannot be reasonably accommodated in his/her position as a Denver Police Officer, the Human Resource Management Bureau shall notify the officer of the availability of reassignment to a vacant Career Service position as a possible reasonable accommodation. The Career Service Authority is not required to offer an officer with a disability a vacant reassignment position unless the officer agrees to be reassigned or conveys to his/her Department a desire to remain employed despite his/her disability.
- b. The disabled officer shall be offered a reassignment to a vacant Career Service position which is equivalent in terms of pay and benefits or, if none is available, to a position of lower pay and benefits. The disabled officer must meet the minimum qualifications and requirements for the position as determined by the Career Service Authority. The officer does not need to be the best-qualified individual for the position in order to obtain it as a reassignment. If the officer is reassigned to a vacant position, the officer shall be provided any reasonable accommodation necessary for the officer to perform the essential functions of the reassignment position.

The Career Service Authority first shall attempt to identify a vacant Career Service position which is equivalent in terms of pay and benefits within the Department. If none exists, the Career Service Authority shall attempt to identify a vacant position which is equivalent in terms of pay and benefits within another Career Service agency or department. If no equivalent position exists, the Career Service Authority shall attempt to identify a position of lower pay and benefits, first in the Department, and then in another Career Service agency or department. It is solely within the City's discretion as to which vacant position to offer the employee.

A disabled police officer may exhaust all of his/her approved sick leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and other paid leave before requesting that the interactive process be initiated to explore reassignment to a vacant Career Service position as a form of reasonable accommodation. However, a disabled police officer may request reassignment to a vacant Career Service position as a form of reasonable accommodation prior to the exhaustion of all approved sick leave and other paid leave. The Career Service Authority's responsibility to reassign a disabled police officer to a vacant Career Service position ends two (2) months after the Career Service Authority has identified Career Service job classifications for which that officer is qualified. During the interactive process, an officer may decline a demotion reassignment position and request the Career Service Authority to continue looking for comparable vacant positions within the two-month (2) time period.

However, if an officer declines an offer of a comparable position in terms of salary and benefits, the interactive process will cease and the Career Service Authority shall not be required to continue looking for suitable reassignment positions. If no vacant position becomes available during the two-month (2) period, disqualification proceedings shall be initiated. The responsibility to engage in the interactive process may terminate earlier if the officer withdraws his or her request for a reasonable accommodation.

- c. In identifying a vacant position to which a disabled officer may be reassigned, the Career Service Authority shall analyze the officer's specific experience, skills and background, and shall also analyze the specific job duties of the vacant position by consulting with the department or agency in which the vacancy exists. If determined necessary, the Career Service Authority shall have a job analysis performed of the vacant position.
- d. If a disabled officer is reassigned to a vacant position, and the department or agency subsequently determines that the disabled officer is unable to perform the essential functions of the position, with or without reasonable accommodation, the interactive process will be resumed and the Career Service Authority shall attempt to identify another vacant position to which the disabled employee can be reassigned for a period not to exceed three (3) months.
The interactive process need not be resumed if the employee has performance problems in the position that are unrelated to his/her disability, or if the employee is dismissed as a disciplinary measure for misconduct.
- e. Before rejecting or denying a reasonable accommodation by reassignment to a job on the basis that the individual poses a direct threat to the health and safety of the employee or others, the Career Service Authority shall perform an individualized assessment of that individual's ability to perform safely the essential functions of the reassignment position. In making this determination, a number of factors shall be considered, including but not limited to the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. The Career Service Authority will consider input from the individual, the experience of that individual in previous similar positions, medical judgment that relies on the best available objective evidence, the opinions of medical doctors and other professionals, or associates of the individual who have expertise in the medical condition involved, and/or direct knowledge of that individual's qualifications, or ability to perform the job.
- f. If the Career Service Authority believes that an individual with a disability poses a direct threat to himself or herself or others, the employee shall be advised of the reasons for the proposed rejection, including each essential function of the job which it has been determined the individual cannot safely perform, and the reasons why the individual cannot safely perform those functions. The Career Service Authority shall invite the individual to provide, within a reasonable time, additional information in regard to his/her ability to safely perform the job, with or without reasonable accommodation, including but not limited to information from other physicians and information about the individual's current and recent physical capabilities. The Career Service Authority shall maintain records of all factors considered in reaching its final decision.

- g. Reassignment shall not be to a position that constitutes a promotion.
- h. The Career Service Authority is not required to reassign an officer to a vacant position if the officer does not have a disability within the meaning of the ADA. Nor is the Career Service Authority required to reassign an officer who is totally disabled and unable to perform the essential functions, with or without reasonable accommodation, of any position in the Career Service.
- i. Reassignment is not available to officer applicants.
- j. The Career Service Authority is not required to reassign an officer to a vacant position if the officer can still perform the duties of his/her present position, with or without reasonable accommodation.
- k. The Career Service Authority is not required to create new positions for the purpose of reassigning an individual with a disability. Reassignment is limited to existing positions or to positions that become vacant in the Career Service within the two-month (2) time period.
- l. The Career Service Authority is not required to reassign an individual with a disability to a position for which the employee cannot perform the essential functions with or without reasonable accommodation or where the reasonable accommodation would pose an undue hardship.
- m. A reassignment to an employee, including recruits and officers in the Field Training Program, cannot be denied because he/she is designated as probationary. If, however, the probationary employee has never adequately performed the essential job functions, with or without reasonable accommodation, then the probationary employee is not entitled to reassignment because he/she was never qualified for the original position.
- n. Should an officer with a disability be reassigned to a vacant Career Service position as a form of reasonable accommodation, the officer will no longer be a Classified Service employee, but instead will be a new Career Service employee. Under this circumstance, the reassigned officer will be entitled to the pension given to Career Service employees after the appropriate number of years of service for vesting within the Career Service system. The reassigned officer is not entitled to retroactive vesting for this pension for his/her years of service as a Classified Service employee. This Rule does not prohibit the reassigned officer from purchasing service credits subject to procedures established by the Denver Employees Retirement Plan.

The reassigned officer's vacation days that he/she accrued as a Classified Service employee will not be carried over to the new Career Service position; however, the reassigned officer will be given monetary payment for such leave upon separating from the Classified Service in accordance with the Operations Manual and the collective bargaining agreement then in effect.

The reassigned officer shall accrue vacation leave as a new Career Service employee. If the reassigned officer so wishes, the reassigned officer's sick days that he/she accrued as a Classified Service employee will be carried over to the new Career Service position up to the maximum hours allowed by the Career Service Authority Rules, or the reassigned officer may elect to accept a monetary payment for the accrued sick days upon leaving the Classified Service. An officer seeking reassignment to a Career Service position may be eligible to receive a pension from the Fire and Police Pension Association if he/she qualifies under FPPA rules.

- o. If an officer is reassigned to either an equivalent or demotion position, the reassigned officer shall be paid at the step closest to the one he or she earned in the Classified Service position.

(10) Leave without Pay during Interactive Process

During the interactive process, if a disabled officer is unable to perform his/her existing job, the employee may use any available sick leave, vacation leave, compensatory leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and donated sick leave. If no such paid leave is available to the disabled officer, he/she shall be provided with authorized leave without pay during the interactive process. This policy does not grant any additional sick leave or other paid or unpaid leave beyond what an officer would ordinarily be entitled to under the Charter, Operations Manual, the Collective Bargaining Agreement in effect, or any other personnel rule.

(11) Retaliation and Coercion

- a. It is a violation of this Rule to discriminate against any individual because that individual has opposed any act or practice prohibited by this rule or because that individual filed a grievance or appeal, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision contained in this rule.
- b. It is a violation of this rule to coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by this rule (including, but not limited to, making a request for a reasonable accommodation).

(12) **Confidentiality and Record keeping**

Information obtained during the interactive process regarding the medical history of an employee or applicant shall be collected and maintained on separate forms and in separate files and be treated as confidential, except that:

- a. Supervisors, managers, human resources personnel, and other City employees involved in the interactive process may obtain access to such information on a need to know basis.
- b. Supervisors, managers, human resources personnel, and other appropriate City employees may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.
- c. First-aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
- d. Information may be given to the state worker's compensation offices, and state second injury funds, in accordance with the state worker's compensation laws.

505.14 Donation of Time

- (1) **Statement of Intent:** The purpose of this OMS is to allow officers of the Denver Police Department to assist a fellow officer who is facing the loss of salary because of a serious accident or illness, pregnancy/maternity, or any other emergency when the officer so affected requires an extended time away from work, but anticipates returning to work. This section shall not be construed to allow any unjust enrichment.

(2) **Definitions**

- a. Donor - the officer contributing time
- b. Donee - the officer receiving time
- c. Time - Sick Leave or Accumulated Sick Leave (ASL)
- d. Officer - an active member of the Classified Service
- e. Donate - offer of the donor to transfer time
- f. Credited - entry of time into donee's time records

(3) **Conditions**

- 1. Any officer may donate sick or accumulated sick time to another officer, provided that the following conditions are met:
 - a. The donor must retain a minimum of 240 hours of sick time.
 - b. The donee officer may not receive time while off due to suspension, leave of absence, voluntary leave without pay or line of duty injury.

(4) **Process**

- 1. **Sick Leave -** Any officer wishing to donate Sick Leave to a fellow officer must obtain a copy of the Donation of -Sick Leave form, DPD 3, from the Human Resource Management Bureau, complete it and return it to the Human Resource Management Bureau.
 - a. The form must be submitted through the chain of command up to the Commander. If approved, the request will be forwarded to the Human Resource Management Bureau for Processing.

- b. Once a donation is made and the conditions are met, the donation will be accepted by the DPD Human Resources Management Bureau, and will be irrevocable by the donor.
 - c. Donation of sick leave between officers of different ranks will be converted to the pay scale of the donee.
 - d. The donee, in accepting such donated time, waives any right granted under charter, ordinance or other law to have such time returned in cash.
 - e. All donated time credited to the donee becomes the donee's time and will be used by the donee according to procedures outlined in OMS 505.08 – Use of Sick Leave, Leave of Absence
2. **Assigned Sick Leave** - Any officer wishing to donate Accumulated Sick Leave to a fellow officer must obtain a copy of the Donation of Accumulated Sick Leave form, DPD 3A, from the Human Resource Management Bureau, complete it and return it to the Human Resource Management Bureau.
- a. The form must be submitted through the chain of command up to the Commander. If approved, the request will be forwarded to the Human Resource Management Bureau for processing. Refer to the Ops Manual section 505.02(9) regarding vacation vote as this may affect a previous vote.
 - b. The donee officer may not receive time while off due to suspension, leave of absence, voluntary leave without pay or line of duty injury.
 - c. Donation of sick leave between officers of different ranks will be converted to the pay scale of the donee.
 - d. The donee, in accepting such donated time, waives any right granted under charter, ordinance or other law to have such time returned in cash.
 - e. All donated time credited to the donee becomes the donee's time and will be used by the donee according to procedures outlined in OMS 505.08 - Use of Sick Leave, Leave of Absence.

505.15 **Change of Shifts – DELETED 01/09 - Refer to OMS 505.03**

505.16 **Holiday Pay**

- (1) All officers shall receive additional compensation for eleven (11) specified holidays either in additional time off or pay. The holidays include:
 - a. New Years Day (January 1)
 - b. Martin Luther King Day (third Monday in January)
 - c. Presidents Day (third Monday in February)
 - d. Cesar Chavez Day (last Monday in March)
 - e. Memorial Day (last Monday in May)
 - f. Independence Day (July 4)
 - g. Labor Day (first Monday in September)
 - h. Veterans Day (November 11)
 - i. Thanksgiving Day (fourth Thursday in November)
 - j. Christmas Day (December 25)
 - k. Officer's birthday to be used by November 30th unless the officer's birthday falls in the month of December or the officer is using the birthday in conjunction with a voted December Vacation/ASL.
 - Officer must take an additional day off
 - Can be used in conjunction with other time (i.e. Saved Holidays).
- (2) Holidays A – J, listed above, have the following options:

- a. An officer may request an Additional Day Off in lieu of receiving pay for the holiday.
 - b. When an officer requests and is granted eight (8) hours of time off in lieu of a specific holiday, the officer has no entitlement to either the premium pay for work on the holiday or payment if the holiday observed falls on the officer's scheduled day off.
 - c. All officers who do not request an additional day off in the work period shall receive Holiday Pay, in addition to regular salary for the holiday at the straight time rate.
 - d. In addition to his base pay, an officer shall be paid one and one-half times his base rate of pay for any time actually worked on a holiday.
 - e. Commanders shall arrange staffing assignments on the holidays according to workload requirements and prevent unnecessary payment of additional holiday premium pay.
 - f. Officers are entitled to select up to four (4) holidays to be saved for later use. This selection must be made during the Vacation Vote. Officers may add this time to their vacation vote to allow for up to fourteen (14) days off, or may use them one day at a time, at their commander's discretion based on department needs.
 - g. If an officer saves any holidays, they are not entitled to an additional day off nor do they have an entitlement to either the premium pay for work on the holiday or payment if the holiday observed falls on the officer's scheduled day off.
- 1. Holiday Saved Time usage will be approved based on the following priority level:
 - a. Voted Vacation and Voted ASL
 - b. Regular Days Off
 - c. Day off used from any other leave bank
 - 2. The holidays that may be saved are in the following order:
 - a. Martin Luther King Day
 - b. Presidents Day
 - c. Cesar Chavez Day
 - d. Veterans Day
 - 3. Officers do not choose which holiday they will save. If they save one (1) day, it will be Martin Luther King Day. If they save two (2), they will save Martin Luther King Day and Presidents Day, etc. Officers will not be entitled to payment for saved holidays that fall after the date of separation from the classified service.
 - 4. At the discretion of the Chief, Holiday Saved Time must be used by November 30th of the same calendar year or the time will be lost. The only exception is if the Saved Time is going to be used in conjunction with a December vacation or ASL that was previously voted for.

505.17 Hazard Duty Pay

- (1) Officers specially trained and assigned to Bomb Squad duties will receive special hazard pay in addition to their regular salaries.
 - a. Those officers assigned to the Bomb Squad will receive this pay each month.
 - b. Those officers available as backups for the Bomb Squad will receive this pay only in a month in which they officially act in the capacity of a bomb squad detective.
- (2) Officers trained and permanently assigned to ride two-wheeled motorcycles will receive special hazard pay in addition to their regular salaries.
 - a. Those officers permanently assigned to the motorcycle units in the Traffic Operations Bureau and to the Mall Motorcycle Unit in District Six will receive this pay each month.

- b. Those officers assigned in other units of the Patrol and Special Operations Divisions where motorcycle duty is performed occasionally or semi-permanently will receive this pay only for months in which the motorcycle duty was actually performed for the majority of the month, i.e. for twelve (12) or more regular shifts during the month.
- (3) The Helicopter Chief Pilot and all Helicopter Pilots will receive special hazard pay in addition to their regular salaries.
- (4) Commanders of each bureau or district in which personnel are entitled to hazard pay shall provide a letter to the Human Resource Management Bureau each month which details those officers entitled to pay for that month.
 - a. Letters must reach the Human Resource Management Bureau by the twentieth (12th) of each month for payment on the last day of that month.
 - b. Commanders must exercise care to determine this benefit by the month, not by the Work Period. For those officers performing occasionally or semi-permanently, preparation of the letter may not be possible before the close of the month, and payment will occur at the end of the following month.
 - c. No officer will receive hazard pay for a month unless a letter is provided to the Human Resource Management Bureau.

505.18 Separation through Disqualification

- (1) Disqualification is the separation, without fault, of an officer of the Denver Police Department who is determined to have one (1) or more of the following conditions:
 - a. Post Appointment Incapacity: When an officer becomes unable to perform the duties of the position because of mental or physical incapacity.
 - b. Necessary Special Requirement: When a job specification lists necessary special requirements and the officer fails to meet those requirements.
 - c. Legal Requirements: When the law requires a license or other authorization to perform the duties of a position and the member does not have the required authorization.
- (2) Procedure
 - a. Prior to disqualifying an officer of the Denver Police Department, the department shall offer the officer applicable leave entitlement and shall, if such impairment is due to a qualifying disability as defined in the Americans with Disability Act (ADA) as amended, have attempted to make reasonable accommodations. Such reasonable accommodations may include, if appropriate, reassignment to a vacant CSA position within the meaning of the ADA as amended.
 - b. When disqualification is contemplated, the following procedures shall be followed:
 - 1. The officer shall be given written notification that disqualification is being considered. The notification shall include the reason for the disqualification considered, including the facts which are believed to justify the disqualification, and notice of a meeting at which the officer will be given the opportunity to present information related to the contemplated action. The officer shall also be notified that he may have a representative present.
 - 2. The written notification shall be:
 - a. Hand delivered to the officer no less than five (5) days prior to the meeting, or
 - b. Mailed to the officer's last address of record no less than ten (10) days prior to the meeting.
 - 3. The pre-disqualification meeting shall be presided over by the Chief of Police or a designee. Service of the written notification shall be reviewed and the officer, or his/her representative, shall be given the opportunity to respond to the allegations of the contemplation letter and, if appropriate, present ideas for possible accommodation.
 - c. No more than fifteen (15) days after conclusion of the contemplation meeting, the Chief or his/her designee shall issue a written recommendation concerning the disqualification. Any recommendation to disqualify the officer shall be sent, along with other relevant information, to the Manager of Safety for final approval.

- d. The Manager of Safety shall make a determination on the disqualification within fifteen (15) days of the date of the Chief's or his/her designee's recommendation. No disqualification shall become effective without a written order of approval from the Manager of Safety.
- (3) **Appeal:**
A separation based on disqualification may be appealed in accordance with Rule XII of the Civil Service Commission Rules. However, the appeal shall not prevent the separation from becoming effective.
- (4) **Re-Employment**
 - a. An officer who has been separated as a result of disqualification shall be entitled to the same re-employment rights as an officer who has separated under honorable circumstances, pursuant to department rules and the Charter, provided that the former officer demonstrates to the Chief of Police, the Manager of Safety, and a majority of the Civil Service Commission that the former officer can perform the essential functions of the position.
 - b. Pursuant to FPPA requirements, a former officer who receives a temporary occupational disability may reapply within five (5) years.
- (5) **Confidentiality of Information:**
Whenever information pertaining to a disability is gathered as part of the disqualification process or to attempt an accommodation, such information shall not be disclosed except to medical personnel, supervisory or administrative personnel necessary for the implementation of this rule and the administration of the department.

505.19 Re-employment of Denver Police Officers (Revised 05-2011)

- (1) Officers who were separated under honorable circumstances may be re-employed upon meeting each of the following criteria:
 - a. Obtain written approval by the Chief of Police, the Manager of Safety, a majority of the Civil Service Commission, and complete any other examination requirements as determined by Civil Service Commission rules, statutory requirements, and requirements of the Department of Safety.
- (2) Re-employed members shall be re-employed at the highest rank previously held, not higher than Police Officer 1st Grade.
- (3) Re-employed officers shall retain the seniority they had at separation, but no seniority shall be granted for the time during which they were separated and service shall not be construed as continuous. Re-employed officer will vote based upon their adjusted continuous service date.
- (4) In the event the approval of the Chief of Police, the Manager of Safety, or the Civil Service Commission is not granted, the former officer shall have no right to seek review of that decision before the Civil Service Commission, the Chief of Police, or the Manager of Safety.
- (5) Consideration for re-employment shall be based on the following:
 - a. Applicants will be considered for re-employment if they had reached 1st Grade and not exceeded three (3) years from the time of separation to the time of re-employment.
 - b. An applicant must apply before 2½ years of separation. If no vacancies are available, the applicant will be placed on a list not to exceed the three (3) year requirement for re-employment.
 - c. Pursuant to FPPA requirements, a former officer who receives a temporary occupational disability may reapply within five (5) years.
 - d. Application shall be in the form of a letter addressed to the Chief of Police requesting re-employment.
 - e. All applicants will be subject to a preliminary review of previous employment to determine their status at the time of separation.
 - f. If an individual seeking re-employment has been separated for at least ninety (90) days, the Commission will, at a minimum, expect the individual to successfully complete the following examinations to the satisfactions of the Commission: (1) a psychological evaluation or examination; (2) a background investigation, including a polygraph examination; and (3) a medical evaluation or examination, including a drug screen.

- g. Officers who are re-employed by the Denver Police Department shall be assigned to a Field Training Officer upon assignment to a patrol district.
 - 1. Where the time between the separation and re-employment dates does not exceed one (1) year, the District Training Coordinator shall assess the needs of the individual and devise a documented training program sufficient to address those needs
 - 2. Where the time between the separation and re-employment dates exceeds one (1) year, the Officer shall engage in the normal fourteen (14) week Recruit Field Training Program including full documentation.
 - 3. In either case, failure to successfully complete the designated re-training program will be grounds for immediate dismissal.

505.20 Notification of Death or Injury of Denver Police Officers

- (1) In the event that any officer of this department is wounded or killed in the line of duty, or dies under any other circumstances, it shall be the responsibility of the officer's commanding officer to notify the immediate family of the injury or death.
- (2) All such notifications shall be made in person.

505.21 Bilingual Officer Program

- (1) Policy Statement: Bilingual officers are often required to provide fluent use of non English languages on a continuing and frequent basis in order to meet the public service responsibilities of the Denver Police Department.
- (2) Definitions:
 - a. Bilingual officers are defined as those officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief of Police or the Chief's designee.
 - b. Compensation Rate: Compensation will be in addition to the officer's rate of pay (per the current collective bargaining agreement) based on three (3) levels of demonstrated proficiency. Testing will also include proficiency in sign language.
 - c. Levels of Proficiencies:
 - 1. Level I - Initiate and maintain face-to-face conversations under limited demands (\$100 per month).
 - 2. Level II - Use the language with sufficient vocabulary for effective formal and informal conversations (\$150 per month).
 - 3. Level III - Use the language fluently and accurately, spoken and written (\$200 per month).
- (3) Proficiency levels will be professionally tested. The brief definitions listed above are basic guidelines only.
- (4) Officers who have multiple language skills are eligible to test for, and be certified in, more than one (1) non-English language but will only be compensated at a single level as determined by their most efficient language.
- (5) TESTING
 - a. Metropolitan State College and the Denver Police Department have entered into a Memorandum of Understanding. This agreement provides for MSCD to develop and administer a bilingual proficiency English/target languages examination program as needed that includes French, German, Japanese, Polish, and Spanish as the target languages. These examinations are intended to qualify DPD officers as bilingual proficient at three (3) skill levels.
 - b. For those officers who speak languages other than those mentioned above, qualified personnel, from outside the Denver Police Department, shall be contracted to administer a proficiency test and evaluate officers in their respective target languages.
 - c. Those officers who test at Level I or Level II have the option of re-testing the following year in an effort to place at a higher level. Officers, who test at Level III (advanced), shall be re-certified every three (3) years, or as directed by the Chief of Police.

- d. Officers who test at Level III (advanced) may have their names placed on a call-out list. This list will be given to the Combined Communication Center and each command officer.
 - e. Officers may not test for the Bilingual Program until after completion of the Field Training Program.
- (6) Once certified, an officer receiving bilingual compensation shall respond to assist when a bilingual officer is needed, if available. A list of certified bilingual officers will be provided to each command officer and the Combined Communication Center. Failure to comply with provisions may result in removal from the bilingual program by the Chief of Police.

506.00 - MISCELLANEOUS**506.01 Transfers of Assignment**

- (1) In order to receive a transfer of assignment, an officer must first initiate a Request for Transfer of Assignment, DPD 49, which will be processed through the chain of command to their Division Chief.
- (2) Although the officer's preference and wishes will be considered, the primary consideration in making the transfer will be for the good of the Department.
- (3) Transfers made at the request of officers may necessitate a change in Vacation and/or Accumulated Sick Leave. See OMS 505.02(10).

506.02 Death in the Family - Bereavement Leave

- (1) Upon proper notification to his commanding officer, an officer shall be granted forty (40) hours of paid leave of absence in the event of the death of the officer's husband, wife, mother, father, mother-in-law, father-in-law, stepfather, stepmother, child, stepchild, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, domestic partner as defined by the City, or other person within the officer's immediate household. On the occasion of the death of any other relative, including a relative by marriage, an officer shall be granted a one (1) day paid leave of absence. Bereavement leave pursuant to this Article may be taken in conjunction with the officer's regularly scheduled days off and/or previously scheduled leave time. Bereavement leave is to be taken in connection with matters related to the death.
- (2) Proper notification to the commanding officer includes sufficient information to satisfy the Commander which may include the name of the deceased and the relationship to the officer.
- (3) The bereavement work code will be used to record the time on the officer's calendar in TeleStaff. The relationship of the deceased and any other pertinent information should be entered into the notes field in TeleStaff.

506.03 Labor Disputes and Strikes

- (1) When police personnel are called to the scene of a labor dispute or strike, they will:
 - a. Maintain a polite, firm, and courteous demeanor towards all persons involved.
 - b. Refrain from discussing controversial matters or stating their personal opinions on any issue.
 - c. Enforce the law with absolute fairness and impartiality.
 - d. Officers at the scene will mediate matters to the best of their ability. Officers must emphasize the neutral position of the Police Department and its responsibility in protecting life or property. A supervisor will be requested to respond when needed or circumstances dictate.
- (2) Arrests as a result of minor incidents on picket lines or other demonstrations resulting from strikes should be kept to a minimum. Officers assigned should exercise sound judgment and make arrests only as a last resort.

506.04 Annexation of Area to City of Denver

- (1) When commanding officers receive plats of territories to be annexed to the City, they shall:
 - a. Review and discuss any problems connected with the annexation.
 - b. Make a thorough investigation and determine:
 1. The police problems created as the result of the annexation.
 2. Any other problems created as a result of the annexation.
 3. Future problems in the area to be annexed.
 - c. Command officers shall further provide for an evaluation and analysis of police problems in the newly annexed area in order to:

1. Identify future needs of police service in the annexed area, and,
 2. Acquaint the citizenry in the newly annexed area of police services available.
- d. At the conclusion of their investigation, the commanding officer shall submit a letter to the Chief of Police setting forth the results of their investigation with appropriate recommendations.

506.05 Grants, Contracts, and Memoranda of Understanding

- (1) Any time there is an acquisition, provision, exchange of any service or item of value, contract for police services including overtime associated with detached assignments, outside the normal operating procedures of the Denver Police Department, it shall constitute a contract between the City and County of Denver, and the agency, or party receiving or providing the service or item. (See subsection (6) for procedures to use for accepting Donations).
- (2) Only the Chief of Police or the designee named by the Chief of Police is authorized to enter into, or sign, any grant, contract, or memorandum of understanding.
- (3) Personnel, who are seeking grant funding, equipment, or any other resources from outside the Police Department's normal budgeting process, shall submit a Grant Proposal, DPD 900, through the chain of command, to the Grant / Contract Review Committee, under the command of the Deputy Chief of Police, Administration, for approval.
 - a. Grant / Contract Review Committee shall be comprised of the Deputy Chief(s) of Police, the Director of Financial Services, and the Director of Research and Development, who will also act as the Grant Administrator for the Police Department.
 - b. Proposals shall be summarized on a Grant Proposal, DPD 900, and submitted through the chain of command to the Grant / Contract Review Committee, prior to the application being submitted for signature.
 - c. Proposals shall be submitted in a timely manner, allowing adequate opportunity for review.
 - d. The decision of the Chief of Police shall be communicated to the applicant by the Grant / Contract Review Committee.
- (4) The Division Chief for the division where the balance of the funds shall be used, or where the required activities shall be administered will assign a person to act as Program Coordinator.
 - a. The Program Coordinator will ensure that grant related work is meeting the requirements of the contract or grant, and that related activities are being directed to achieve the goals and objectives stated in the grant application.
 - b. The Program Coordinator will ensure that program progress reports are completed as required.
 1. Financial reports will be completed by the Police Department Financial Services Bureau.
 - c. The Program Coordinator will ensure that progress reports, financial reports, correspondence and any other related paperwork are sent to the Grant Administrator in Research and Development.
- (5) The Grant Administrator will administer grants and be responsible for:
 - a. Locating funding sources for law enforcement programs.
 - b. Assisting with and monitoring the preparation of the application for funding.
 - c. Ensuring that progress reports are complete, accurate, and timely.
 - d. Preparing internal quarterly progress reports on all department grant programs for the command staff.
 - e. Seeking out and communicating relevant grant prospects throughout the agency.
 - f. Maintaining archives on all grant programs including all progress reports, financial reports, correspondence, and any other related paperwork.
 - g. Serving as a member of the Grant / Contract Review Committee.

- (6) Donations are any goods, including equipment, supplies, cash or cash equivalents, real property, and building improvements which are given to the Denver Police Department. There may be restrictions associated with the use of the donated resources, but there are not accompanying program or reporting requirements associated with the use of the donation.
- a. Individuals, businesses or corporations wishing to make a donation to the Police Department shall present their intentions in writing to the Chief of Police, including information regarding the nature of the donation, and any special conditions associated with the donation.
 - b. Denver Police officers shall not solicit or accept any donation as directed in OMS RR 204.
 - c. The Chief of Police shall appoint a designee to contact the donor in order to obtain the following information:
 - d. A description of the donation and the approximate value.
 - e. Information about the donor.
 - f. Any restrictions placed on the donation.
 - g. The date of anticipated transfer.
 - h. The Chief of Police shall accept or reject the proposed donation, and respond to the donor in writing.

506.06 Wearing of Identification Cards

- (1) All civilian-attired officers and employees are required to wear their Identification Cards, in plain view, at all times while in the Police Administration Building.
- (2) Law Enforcement Officers and Parking Control Personnel need not display their Identification Cards when in uniform.
- (3) Supervisors and command officers at all levels shall assist in enforcing this requirement.

507.00 – TRAVEL POLICY**507.01 Denver Police Department's Travel Policy****(1) POLICY**

The policy of the Denver Police Department (the "Department") is to pay for reasonable travel expenses incurred by employees carrying out responsibilities directly related to the furtherance of the Department's mission and in support of the employee's assigned duties.

(2) PURPOSE

Policies and procedures listed herein will establish such guidelines and regulations for the purpose of:

- Providing equitable, consistent, and fair standards for reimbursement.
- Maintaining effective control over travel expenses.
- Providing uniform administrative procedures for handling of travel requests.
- Creating a universal policy that governs the management of travel expenses regardless of the funding source paying for the travel.

(3) AUTHORITY

This policy is adopted pursuant to city fiscal rules, charter provisions, municipal ordinances, Internal Revenue Code provisions, and State Travel Program rules. This policy is subject to change as necessary to comply with the above listed rules, provisions, and ordinances. Nothing in this policy restricts the authority of the Chief of Police or the Chief's Designee from establishing additional restrictions or requirements at the Division or Bureau level so long as such additional restrictions or requirements do not usurp the intent or purpose of this policy.

(4) DEFINITIONS**a. Travel Coordinators**

1. Agency Travel Coordinator: The person designated by the Chief of Police to administer, account for, and coordinate the agency travel program. This responsibility will generally be delegated to the Director of the Financial Services Bureau.
2. Division Travel Coordinator: The person designated by the Chief of Police and trained to assist the Agency Travel Coordinator in the coordination of the agency travel program at the Division level. This responsibility will generally be delegated to a Division Chief or the Division Chief's designee(s).
3. Bureau / Section Travel Coordinator: The person designated by the Chief of Police and trained to assist the Agency Travel Coordinator in the coordination of the agency travel program. This responsibility will generally be delegated to a command officer, supervisory officer, CSA director or CSA supervisor in charge of a Bureau or Section that is not subordinate to a Division.

b. Department Travel Account: The account number used by the Financial Services Bureau to pay for airfare.

c. Employee: Any officer in the Classified Service or Career Service Authority employee under the command and control of the Chief of Police of the Denver Police Department.

d. Event Day: Any day in which an employee attends training or conducts business required in conjunction with travel to include training, investigations, interviews, inspections, etc. Event days may include travel for a portion of that day. In such instances, that day would not be considered a travel day as defined in OMS 507.01(4)j. Example: An employee travels to Phoenix on Friday morning to attend a two (2) and an half day seminar which starts Friday evening would be considered an event day.

e. Individual Travel Card: A credit card issued to an individual traveler, at the time of authorized travel, for approved travel expenses excluding airfare.

f. Limited Travel: Travel within a geographical area that reasonably permits a traveler to drive to and return from the destination on the same day (day trips).

g. Local Travel: Travel within the six (6) county metro areas.

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- h. Outcome Statement: An accounting of the outcome of an investigation completed on an Inter-Departmental Correspondence, DPD 200, and maintained in the Division requiring it.
- i. Standard Travel: Travel that is not of an emergency nature, requested through normal procedures and pre-approved through the chain of command.
- j. Travel Day: Any day in which an employee travels to or returns from an approved destination where the only activity the employee is engaged in that day is traveling. Example: The time an employee travels to Florida on Sunday for a training class that begins on Monday would be considered a travel day. If an employee travels to a destination and begins a training course, investigation, etc. on the same day, that time would not be considered a travel day.
- k. Traveler: Any officer or Career Service Authority employee of the Department traveling on official Department business and authorized to incur travel or related business expenses on behalf of the Department.
- l. Travel Event Code: A unique code issued after the approval of a travel request and used to identify all related forms, invoices, receipts, or any other documents pertaining to travel expenses incurred by an individual employee during a travel event.
- m. Travel Policy Administrator: The individual(s) assigned to the Office of the Chief of Police who act(s) as liaison between the Department and the Mayor's Office and who maintain(s) record of the transmission and receipt of approved or denied Mayor's Travel Authorization letters.
- n. Travel Request Form (ADM 9): The ADM 9 is an official City form required by the Controller's Office for reimbursement of expenses.
- o. User Committee: The committee appointed by the Chief of Police that meets annually, or as needed, to discuss issues related to and recommend changes of the agency travel policy.

(5) Requesting Travel

- a. All employees requesting travel are required to submit an Inter-Departmental Correspondence, DPD 200, detailing the request and a Travel Cost Worksheet, DPD 720, (if cost will be incurred) to their immediate supervisor after it is reviewed by the employee's Travel Coordinator or the Financial Services Bureau in the absence of the employee's Travel Coordinator.
 - 1. The travel request details shall also contain requests and justifications for all special reimbursements enumerated in OMS 507.01(6). No additional requests or justifications are necessary.
- b. Employees may seek approval for any travel purpose that directly benefits the Denver Police Department if:
 - 1. It is necessary to carry out assigned duties or conduct official business, or
 - 2. It enables the employee to carry out responsibilities or functions useful to the Department in a more productive, efficient, or beneficial way.
- c. Travel purposes may include but are not limited to: training, seminars, conferences, hearings, conventions, meetings, investigative activities, transportation of equipment, intergovernmental operations, etc.
- d. Command officers, supervisory officers, CSA directors or CSA supervisors in the chain of command of the employee requesting travel authorization shall not approve requests that do not clearly establish Departmental benefit.
- e. It is ultimately the responsibility of the Chief of Police, when approving travel requests, to make the determination as to whether travel expenses are *for the benefit of the Department*.
- f. Standard Travel Requests
 - 1. In the absence of an emergency, an employee shall submit a travel request on an Inter-Departmental Correspondence, DPD 200, to his or her immediate supervisor well in advance of the travel date to allow sufficient time for review by the employee's chain of command.

2. The employee's chain of command, up to and including a Division Chief or above, shall review and approve or deny the travel requests when costs will be incurred regardless of the funding source.
3. When out-of-state travel is requested, whether or not costs will be incurred, the employee's chain of command, up to and including the Chief of Police and the Mayor, shall review and approve or deny the travel request.
 - a. Out-of-state travel requires an additional document known as the "Mayor's Travel Authorization" be approved by a designee in the Mayor's Office to authorize such travel.
 1. Once the Chief of Police or a Deputy Chief of Police approves the travel request submitted by an employee, the Travel Policy Administrator shall generate and forward the "Mayor's Travel Authorization" to the Manager of Safety's Office.
 2. Once the Manager of Safety approves the travel request from the Chief of Police, the Manager of Safety's Office shall forward the "Mayor's Travel Authorization" to the Mayor's Office.
 - a. Upon approval by the Mayor's Office, a travel event code will be assigned and the employee's Travel Coordinator shall be notified.
 - b. Upon denial, the employee's Travel Coordinator shall be notified.
 - c. The employee's Travel Coordinator shall be responsible for all notifications to the employee.
4. Grant or third party funding may require additional approvals for travel and all such approvals shall be obtained and documented before submitting the travel request through the chain of command.
5. Generally, standard travel requests do not require that receipts for per diem be retained but grant or third party funding exceptions may exist. The employee's Travel Coordinator shall assist in ensuring any such requirements are met by the employee.
- g. Emergency / Unexpected Travel:
 1. Employees required to leave within one (1) business day of being informed of an authorized travel event shall adhere to the following procedure:
 - a. Emergency travel may require the employee to be reimbursed for all expenses.
 - b. Prior approval for emergency travel shall be obtained verbally from the employee's Division Chief when written approval is impractical.
 1. The employee shall cause an email to be generated, as soon as possible, and forwarded through the chain of command to the appropriate Division Chief.
 - c. After receiving approval, the employee shall contact his or her Travel Coordinator to begin the documentation process for the travel.
 1. The Travel Coordinator shall provide the employee with the Travel Cost Worksheet, DPD 720, and shall advise the employee to keep receipts for all reimbursable expenses except for per diem reimbursement.
 2. Upon return from travel, the employee shall submit an email detailing the travel and shall forward the Expense Report, ADM 9, along with all retained receipts through his or her chain-of-command.
 - d. Any employee who is unable to secure, at a minimum, verbal approval from their Division Chief or higher authority for emergency travel shall consider such travel request denied.
- h. Investigative / Covert Travel:

1. Employees traveling in conjunction with investigative activities where following the procedure for Standard Travel is impractical and doing so would compromise a case or jeopardize officer safety shall adhere to the following procedure:
 - a. Investigative / covert travel may require the employee to be reimbursed for all expenses.
 - b. Prior approval for investigative/covert travel shall be obtained verbally from the employee's Division Chief when written approval is impractical.
 1. The employee shall cause an email to be generated, as soon as possible, and forwarded through the chain of command to the appropriate Division Chief.
 - c. After receiving approval, the employee shall contact his or her Travel Coordinator to begin the documentation process for the travel.
 1. The Travel Coordinator shall provide the employee with the Travel Cost Worksheet, DPD 720, and shall advise the employee to keep receipts for all reimbursable expenses except for per diem reimbursement.
 2. Upon return from travel, the employee shall submit the Expense Report, ADM 9, along with all retained receipts through his or her chain of command.
 3. The employee shall also be required to submit an Outcome Statement on an Inter-Departmental Correspondence, DPD 200, which will be maintained by the specific Division, Bureau, or Unit for the purposes of justification and audit, if necessary.
 4. Any employee who is unable to secure, at a minimum, verbal approval from their Division Chief or higher authority for investigative/covert travel shall consider such travel request denied.

(6) Travel Costs

- a. Travel costs paid by a grant. In situations where the travel expenses are going to be paid from a grant, the allowable reimbursement amounts should be based on the grant requirements or these fiscal rules, whichever is more restrictive.
- b. Within fifteen (15) working days after completion of the trip, travelers are required to file with the expending authority the completed travel request form with the required receipts, or other substantiation acceptable under the I.R.C., showing all actual expenses incurred and the allowed M & IE per diem expenses.
- c. Only the following types of travel costs incurred by an employee during authorized travel are eligible for payment or reimbursement:
 1. Tuition / Registration Fees
 - a. Tuition for a class, registration fees for a seminar, conference or convention and other fees required to participate in an event are considered registration fees.
 - b. Optional tours, banquets, activities or excursions offered at the event may be paid for by the employee at his or her own expense.
 2. Transportation
 - a. Ground Transportation
 1. Private Vehicles
 - a. Employees shall obtain approval to use privately owned automobiles for travel, when flying is not practicable, from the Chief of Police or the Chief's designee.
 - b. Employees shall be reimbursed for the approved use of a privately owned automobile in the following manner, which ever is less:

1. The most reasonable round trip airfare available for the specific trip, or
 2. The reimbursement amount of the standard mileage rate allowed by the Internal Revenue Service multiplied by the number of miles traveled on official business.
 - c. Insurance requirements shall be consistent with the requirements of the Mayor's Executive Order No. 25, if applicable. The Director of Financial Services Bureau shall make such determinations.
 - d. When employees share the use of a privately owned automobile, only the employee who owns the automobile is entitled to reimbursement.
2. City Owned Vehicles
- a. Employees shall obtain approval to use City owned automobiles for travel from the Chief of Police or the Chief's designee. For the purposes of in-state travel, the Chief of Police has delegated the approving authority to the respective Division Chiefs.
 - b. Employees shall obtain, when available, a City gasoline credit card that may be used for gas, oil, and automobile-related expenses.
 1. Gas cards shall only be used for City owned vehicles.
 2. Gas cards shall be checked out from the Financial Services Bureau.
 3. Gas cards shall be returned to the Financial Services Bureau within forty-eight (48) hours upon returning from travel.
 4. All charges made to gas cards require that the original receipts be submitted to the Financial Services Bureau at the time the gas card is returned.
 - c. Employees incurring emergency automobile service or gasoline expenses during approved travel shall obtain receipts for all such expenses for reimbursement.
 - d. Employees shall make every effort to use City fuel and repair facilities to the extent practical.
 - e. Employees shall not take a City owned vehicle out-of-state without obtaining the proper insurance coverage.
3. Rental Cars
- a. Employees shall obtain approval to use rental cars for travel from the Chief of Police or the Chief's designee.
 - b. Employees shall limit requests for rental cars to circumstances where additional airfare and/or taxi costs exceed the cost of renting a car and where the use of a rental car is the most reasonable or time essential means of transportation between points of travel.
 - c. Employees seeking to justify the use of a rental car must demonstrate, to the satisfaction of the Chief of Police or the Chief's designee, the economic benefit to the Department and that personal convenience is not the sole factor.

- d. Employees approved for rental car use shall make reservations using the travel agency on the preferred provider list maintained by the Financial Services Bureau.
- e. Employees approved for rental car use are authorized to obtain economy or compact size vehicles. Employees requiring the use of a larger size vehicle shall include justification for such vehicle in the original travel request and will only obtain larger vehicles at the Department's expense with pre-approval.
- f. Employees will not be reimbursed for the cost of non-standard, supplemental equipment such as satellite radio, GPS, etc.
- g. Employees approved for rental car use shall obtain such vehicle at the lowest government rate available.
- h. Employees shall obtain rental car insurance for collision, liability, and loss of use.

b. Air Transportation

- 1. Employees shall obtain approval to use commercial air transportation from the Chief of Police or the Chief's designee.
- 2. Employees shall use commercial air transportation when it is the most efficient and economical mode of transportation. The use of personal or private aircraft shall not be authorized or allowed. The use of corporate or chartered aircraft will only be permitted for essential travel where time constraints make all other modes of transportation unfeasible.
- 3. Employees shall consider the costs, out-of-pocket expenses plus the cost of time spent traveling, to drive versus to fly and shall choose the lesser of the two. The Chief of Police may authorize a deviation from this requirement on a case-by-case basis.
- 4. Employees approved for air transportation shall first attempt to make reservations with the current voucher program airline. If the voucher program airline does not service the travel destination or is unable to accommodate the travel dates, the employees shall then make reservations using the travel agency on the preferred provider list maintained by the Financial Services Bureau.
- 5. Employees approved for air transportation shall be compensated for coach fare rates on tickets only. Airline travel insurance is considered a personal traveler expense.

3. Lodging

- a. Employees shall obtain approval for lodging from the Chief of Police or the Chief's designee prior to travel.
- b. Employees approved for lodging shall make reservations using the travel agency on the preferred provider list maintained by the Financial Services Bureau.
- c. In general, employees shall select commercial lodging on the basis of the most reasonably priced accommodations available consistent with the purpose and goals of the trip and budgetary limitations.
- d. Employees shall stay in medium-priced, economical and practical commercial lodging and, whenever applicable, charged at the government rate.
- e. Employees attending a conference, seminar or convention that has recommended hotels shall be compensated for the convention rate when staying at the recommended hotel, if the rate is available.

- f. When traveling alone, employees shall be compensated the cost of a single room only for hotel and motel lodging for the authorized number of days.
 - g. When sharing a room, employees shall be compensated for the double room rate divided equally between the employees.
 - h. Multiple employees traveling together may be approved to stay in single rooms at the discretion of the Division Chief and within the confines of the requirements of the funding source.
4. Meals and Incidental Expenses
- a. Meals and incidental expenses shall be reimbursed at a flat per diem rate as listed on the U.S. Governmental Services Administration website at www.gsa.gov for approved travel events beyond the six-county metropolitan Denver area in the following manner:
 - 1. Employees shall be compensated a flat per diem rate per day for all travel days extending beyond eight (8) hours in one (1) calendar day. (Greater than 8 hours travel in one (1) day = Full Per Diem)
 - 2. Employees shall be compensated for one-half (1/2) the applicable per diem rate per day for all travel days when travel meets or exceeds four (4) hours but is less than eight (8) hours. (Greater than or equal to 4 hours but less than 8 hours travel in one (1) day = Half Per Diem)
 - 3. Employees shall not be compensated for the per diem allowance when more than one (1) meal a day is included in a registration fee, transportation fares, official city functions, or is otherwise furnished at no cost to the traveler for that event day. (Example: A seminar includes breakfast and lunch in the registration fee; the employee is not entitled to a per diem allowance.)
 - 4. Employees shall not be compensated for per diem on a travel day when travel is less than four (4) hours. (Less than 4 hours travel in one (1) day = No Per Diem)
 - 5. Employees shall not be compensated for the per diem allowance for *Local* travel as defined in OMS 507.01(4)g.
 - 6. Employees shall generally not be compensated for the per diem allowance for *Limited* travel as defined in OMS 507.01(4)f but consideration may be given on a case by case basis through the chain of command.
 - 7. For the purposes of this policy, continental breakfasts shall not be considered meals.
5. Communication Costs
- a. Employees shall be compensated for telephone and facsimile transmission charges when conducting required and official Departmental business.
 - b. Employees shall not be compensated for communication expenses that are incurred unnecessarily.
6. Other Allowable Expenses
- a. Employees may be compensated for other necessary, allowable expenses incurred during travel which include, but are not limited to, sales tax when the Department's exemption certificate is not accepted, laundry service, cleaning and pressing of clothing, parking (including mandatory valet service fees), tolls, books or tapes required for authorized training, etc., so long as the expense is reasonable, necessary, of direct benefit to the Department.
 - b. Employees must have receipts for other allowable expenses in order to apply for reimbursement.

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- a. While nothing in this policy precludes an employee from paying for travel expenses out of personal funds and being reimbursed after travel, Individual Travel Card usage is the preferred method of paying for all authorized travel expenses with the exception of airfare.
- b. It is the policy of the Denver Police Department to deny cash advances for any travel expenses.
- c. Division Travel Coordinator Responsibility
 - 1. Division Travel Coordinators shall:
 - a. Successfully complete training provided by the Department Financial Services Bureau.
 - b. Assist employees with applying for and obtaining individual travel cards.
 - c. Physically maintain travel cards in a secure location.
 - d. Maintain a current inventory of travel cards.
 - e. Check-out travel cards at the time of travel.
 - f. Ensure travel cards are returned within four (4) days of returning from travel.
 - g. Cancel / destroy individual travel card when:
 - 1. The employee terminates employment with the Department, or
 - 2. Upon order of the Chief of Police.
- d. Traveler Responsibility
 - 1. Employees shall:
 - a. Apply for and obtain a travel card if not willing to use personal funds for travel.
 - b. Successfully complete training provided by the Denver Police Department financial Services Bureau.
 - c. Only charge approved and authorized travel expenses to the account as described in this policy.
 - d. Agree that activity on a travel card is public information and may be reviewed by other individuals including but not limited to command staff, the Denver Police Department Financial Services Bureau, City of Denver Purchasing, and the City and County of Denver Auditor's Office.
 - e. Limit ATM usage to once every three (3) days and limit withdrawals to within \$50 of the per diem limit.
 - f. Check-out travel cards no more than three (3) days prior to travel from their respective Travel Coordinator.
 - g. Return travel cards to their respective Travel Coordinator within four (4) days of returning from travel.
 - h. Apply for reimbursement from the City.
 - i. Pay all late charges and interest for failing to pay the travel card bill within the statement payment period when reimbursement has been received by the employee for all approved travel expenses.
 - j. Surrender travel cards when employment with the Denver Police Department is suspended or terminated.
 - k. Surrender travel cards immediately upon order of their respective Travel Coordinator or a command officer.
- e. Application
 - 1. Travel Coordinators shall identify frequent travelers and officers of the rank of Captain and above under their supervision and shall assist any who may want a travel card with obtaining one.

2. Any employee anticipating requesting travel shall contact their respective Travel Coordinator prior to travel being approved and shall discuss the option of obtaining, and possibly applying for, an individual travel card.
 3. Employees applying for individual travel cards shall complete training and follow the procedures established by the Department Financial Services Bureau.
 4. Employees will not have a credit check conducted when applying for an individual travel card and balances less than sixty (60) days will not be reported on employees' credit reports.
 5. Individual travel cards are issued in the applying employee's name.
- f. Authorized Use
1. Employees are permitted to charge all authorized travel expenses to the individual travel card with the exception of airfare.
 2. Employees shall not charge any of the following to an individual travel card:
 - a. Airline ticket
 - b. Items purchased for personal use
 - c. Alcohol
 - d. Other restricted purchases
- (8) Travel Coordinators
- a. Responsibilities
 1. Shall have a thorough understanding of the City's travel rules and regulations and the Department's travel policy. This includes all travel related sections of the Internal Revenue Code, State of Colorado regulations, the Denver Revised Municipal Code, the Denver City Charter, the City of Denver's Code of Ethics, and the City of Denver's Fiscal Accountability Rules.
 2. Shall assist employees with assembling travel requests and shall review all travel requests prior to being submitted to the employee's chain of command. In the event the Travel Coordinator is unavailable, the paperwork shall be reviewed by the Financial Services Bureau.
 3. Shall assist employees with reconciling the Travel Cost Worksheet, DPD 720, with the Expense Report, ADM 9, and ensuring the Expense Report, ADM 9, is submitted properly.
 4. Shall maintain travel cards in accordance with OMS 507.01(7)c.
- (9) Canceling Travel
- a. Employees shall not cancel travel arrangements for which payments have been made by the Department and for which refunds are due to the City in the absence of an unforeseen emergency without the prior approval of the Chief of Police through the chain of command. For instances where no refunds are due, the prior approval shall be obtained from the officer's Division Chief.
 - b. Employees may request a cancellation of travel arrangements for which payments have not been made by the Department through their chain of command.
 - c. Travel Coordinators shall assist an employee's Commander or Captain to make every effort to send a substitute if travel arrangements must otherwise be cancelled.
- (10) Traveling
- a. General Procedure
 1. Employees shall take the most direct and commonly traveled routes to all approved destinations and shall not take indirect routes or make extended stops along the way at cost to the Department, or incur in-transit lodging expense for personal or unofficial reasons.

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2. Employees shall only take indirect routes to approved destinations on official business and only with prior approval of the Chief of Police or the Chief's designee.
3. Employees who incur lodging and/or meal expense, in-transit, that does not occur as the result of an emergency situation (i.e., natural disaster, terrorist attack, etc.) shall be required to demonstrate that the total cost of the in-transit portion of the trip is no more than the most reasonable airfare for travel between the point of departure and the approved destination.

b. Overtime on Special Assignment Days

1. All overtime work must be approved by the employee's supervisor prior to the work being performed.

(11) Payment Methods

a. Individual Travel Cards

1. Reservations for all travel costs, other than airfare, may be made using the Individual Travel Card.

b. Personal Credit Card or Other Personal Funds

1. The employee may use personal funds to pay all travel costs and seek reimbursement of approved expenses after travel.

c. Approved non-voucher program air transportation may be made using the travel agency's card number which will be provided by the Department Financial Services Bureau.

(12) Documentation and Reconciliation

a. The Department Financial Services Bureau shall maintain current travel form templates and training information to assist Travel Coordinators and other employees with travel related issues.

b. Travel Coordinators shall assist other employees with filing all travel related documents.

(13) User Committee

a. The User Committee shall be established by order of the Chief of Police for the following:

1. To review travel practices for potential improvements.
2. To review the Department's travel policy for potential improvements.
3. To address any travel related issues deemed necessary by the Chief of Police or the Deputy Chief of Administration.

b. The User Committee shall meet annually or more frequently at the request of the Chief of Police or Deputy Chief of Administration.

c. The User Committee shall be composed of the following members:

1. Deputy Chief of Administration shall serve as chair.
2. Financial Services Bureau Director shall serve as co-chair.
3. All Division Travel Coordinators shall serve as members.

508.00 – PERSONNEL ASSESSMENT SYSTEM (PAS)

508.01 Personnel Assessment System (PAS) Policy

- (1) The Personnel Assessment System (PAS) is a Denver Police Department program created to increase police accountability and reduce department liability through a system of recognition and intervention. The goal of PAS is to enhance the success of Denver police officers by identifying individual performance problems followed by the application of intervention techniques designed to improve performance.

a. Definitions:

1. **PAS** — PAS is a non-disciplinary process used to identify and address performance issues early in their development. PAS relies primarily on supervisor observation and input, and is complemented by a computer program that draws information from existing databases of incidents such as, commendatory actions, uses of force, and citizen complaints.
2. **Referral** — A referral is a direct recommendation made into the PAS program. Recognizing the need for the human element in employee success, referrals may be made by managers, supervisors, peers, family, or friends. In addition, concerned officers may self-refer. Referrals may be based on information discovered in PAS data sources, personal observations, or knowledge of other circumstances that could have an adverse effect on officer performance. Referrals may be made directly to the Professional Standards Unit (PSU), or to any other supervisor or command officers who will bring the referral to the attention of PSU.
3. **Review** — A review of an officer's performance and conduct may occur as a result of several circumstances and will be based on the totality of the circumstances. For example, a review may be initiated as a result of a single IAD investigation, a single complaint coupled with other performance issues, a possible pattern of complaints or misconduct, or by reaching established review limits. A review may involve a management or supervisory examination of all available information pertaining to officer(s) that may or may not indicate a need for intervention. The goal of the review is to determine whether any level of intervention is needed to assist the officer.
4. **Review Limits** — Review limits determine the number or frequency of incidents tracked in the PAS computer program that may warrant a review. Review limits may be adjusted periodically by the Chief of Police. Review limits will be made public to all officers.
 - a. Review limits are meant to prompt an examination of an officer's performance that may indicate a disparity compared to similarly situated officers. Review limits are meant to be practical and reasonable. (For example, while all complaints will be available for management review, due consideration will be given to complaints that were declined by IAD, resolved through mediation and those that are exonerated, unfounded and not sustained.) Due consideration will also be given to the particular assignment and working environment of the concerned officer. While all use of force incidents will be available for management review, consideration will be given to the particular circumstances of each incident such as type of force used and suspect behavior.
 - b. Not all performance data available in the PAS system will have a related review limit. Conversely, meeting or exceeding review limits is not a requirement for the generation of a PAS response or a review. The identification of effective review limits is an on-going process impacted by the availability of performance related information, technology, and the proper identification of indicators of officers with performance problems.
 - c. DPD policy for mandatory PAS reviews:
 1. Three or more complaints in three months

2. Three or more use of force incidents in three months
 3. Five or more complaints in six months
 4. Five or more use of force incidents in six months
 5. Six or more complaints in one year
 6. Seven or more use of force incidents in one year
 7. Two or more accidental or deliberate discharges in one year
5. **Response Level** — The response level will be based on each particular PAS review or referral. Response levels are intended to improve officer performance and are not a disciplinary action.
- a. There are two possible levels of response that may be applied to a review:
 1. Level One Response
 2. Level Two Intervention

508.02 Procedures for PAS Review or Referral

- (1) PAS information is confidential and will not be disseminated to unauthorized persons, either internally or outside the department. Individual users are responsible to maintain the security of the PAS computer program. PAS may not be used for personal use or gain, and misuse of PAS may result in discipline.
- (2) PAS printouts may be referred to as needed; however, they shall not be attached to evaluations or any other reports including IAD investigations.
- (3) Individual officers are encouraged to review their own PAS computer system information on a frequent basis. Reviewing PAS information allows the officer the opportunity to ensure the accuracy of PAS data and to monitor multiple performance indicators. An officer who finds data that they believe is inaccurate should inform their immediate supervisor of the records in question. The supervisor will then contact the PSU with a description of the possibly inaccurate data. The PSU will cause the record in question to be corrected when appropriate and inform the officer and the supervisor of the outcome.
- (4) Regardless of the origin of a review of an officer's performance under this policy, one of the response levels detailed below will be used:
 - a. **Level One – Response:** Based on the totality of the information available, the issue is of such a nature as to necessitate the notification of the officer and their commander. The officer's commander will notify the officer.
 1. The commander will coordinate with PSU/Academy to identify any appropriate resources to which the officer may be referred.
 2. The officer's input will be sought in order to identify an informal response plan that will help correct any possible deficiencies. The commander will provide a written explanation to the Professional Standards Unit within fourteen (14) days of receipt of the notice, detailing their actions.
 3. The Professional Standards Unit will compile all of the response plans, retain a copy and forward a copy to the respective Deputy Chief, who will review and approve the plans prior to forwarding the report to the Chief of Police.
 - b. **Level Two – Intervention:** Based on the totality of the information available, the issue is of such a nature as to necessitate a formal intervention, which includes a written plan. The officer's commander will notify the officer.
 1. The commander will coordinate with PSU/Academy to identify any appropriate resources to which the officer may be referred.
 2. The commander will coordinate with their Deputy Chief and PSU/Academy to determine the appropriate form of intervention.

3. The officer's input will be sought in order to help determine a course of action that will help to correct any possible deficiencies. The commander will provide a written explanation to the Professional Standards Unit within fourteen (14) days of receipt of the notice, detailing their actions.
4. The Professional Standards Unit will compile all of the response plans, retain a copy and forward a copy to the respective Deputy Chief, who will review and approve the plans prior to forwarding the report to the Chief of Police. The response will include a written remedial plan detailing the efforts being made to correct any performance and conduct issues of concern. The remedial plan will be signed by the officer indicating that the response has been reviewed. The officer's progress must be monitored and formally reported to the Chief of Police or his designee via the PSU, at intervals prescribed by the department.
5. A copy of all documentation generated as a result of a Level Two response will be sent to PSU where a copy will be maintained and a copy will be forwarded to the respective Deputy Chief, who will forward the report to the Chief of Police.

508.03 Intervention Strategies

- (1) Appropriate intervention strategies may include:

- a. Referral to Peer Support, Psychological Services, Police Chaplain, Denver Police Resiliency Program, Employee Assistance Program, or other appropriate employee support system.
- b. Coordination with the Denver Police Academy to identify training needed to improve an officer's performance.
- c. Non-disciplinary coaching or direction by the officer's supervisor, developing a monitoring program or a follow-up plan, or encouraging the officer to help the supervisor determine the best intervention option for the situation.
- d. Mandatory department authorized training, targeting personal or professional problems that the officer may be facing (i.e. communications, cultural awareness, coping with stress, anger management, or skills training such as remedial driving, arrest control techniques, etc.).
- e. Reassignment or transfer.
- f. Recommending policy revisions or additions, or departmental training needs.
- g. Provide direct supervisory observation by requiring a corporal or sergeant ride with, or "shadow" the subject officer for a period of time and frequency, determined by the officer's commander.

- (2) Participation in a Personnel Assessment response is mandatory.
- (3) The Department's provision of training, counseling, support, and other services under this policy does not in any way diminish the officers ultimate responsibility for their performance, including the correction of any identified performance deficiencies.
- (4) Nothing in this policy should be construed to suggest that a PAS intervention is a replacement for the Department's disciplinary procedures.

508.04 Roles and Responsibilities

- (1) Professional Standards Unit Responsibilities

- a. PSU is responsible for establishing and administering PAS, and generating reports specified in this policy, as requested by a commanding officer for personnel under their command, or as otherwise directed by the Chief of Police.
- b. PSU coordinates with Psychological Services, Peer Support, the Training Bureau, the City Employee Assistance Program, and other available services to develop effective intervention strategies. The purpose of the intervention is to enhance employee success by addressing behavior before the conduct becomes more serious or becomes a disciplinary issue.

- c. Whenever a referral or review is initiated, PSU will prepare documentation for review by the Chief of Police or his designee in order to determine the appropriate level of response.
- d. At a minimum, PSU will produce a monthly, quarterly, semi annual and annual report detailing officers who have reached a review limit.
- e. PSU will monitor the officer's progress on all Level One responses and Level Two interventions.
- f. PSU draws no conclusions concerning the generated reports. Officer review reports are intended to assist command and supervisory personnel in the evaluation and guidance of their subordinates. PSU may provide comparison information and other data to help commanding officers develop a reasonably consistent cross-departmental implementation of the Personnel Assessment System.
- g. PAS reports alone shall not form the basis for disciplinary action.

(2) Command Officer Responsibilities

- a. Command officers will continually examine areas of the police operation under their purview and must assume the duties and obligations of their ranks in the assessment and correction of performance deficiencies of their subordinate officers. A command officer must not look to higher authority to take corrective action when performance deficiencies are detected.
- b. Command officers shall take proactive measures to identify performance deficiencies of personnel under their supervision and develop and implement effective interventions to correct any performance or behavioral issues.
- c. Command officers must monitor PAS and identify subordinate personnel within their command who exhibit problematic performance or conduct.
- d. Command officers are required to review the PAS information for the supervisors under their command at least once a month. The command officer must ensure that such supervisors are reviewing the PAS information of the officers under their span of control once per month to make certain that no issues have gone unrecognized.
- e. When a command officer has identified a subordinate who may need a review, the command officer will gather the necessary documentation. PSU may be called upon for assistance.

(3) Supervisory Officer Responsibilities

- a. Supervisory officers will continually examine areas of the police operation under their purview, and must assume the duties and obligations of their ranks in the assessment and correction of performance deficiencies of their subordinate officers. Supervisory officers must not look to higher authority to take corrective action when performance deficiencies are detected.
- b. Supervisors shall take proactive measures to identify performance deficiencies of personnel under their supervision and develop and implement effective interventions to correct any performance or behavioral issues.
- c. All supervisory officers are required to review the PAS information for the officers under their span of control a minimum of once a month. Supervisory review of PAS is also required during preparation of officer performance evaluations.
- d. When a supervisory officer has identified a subordinate who may need a review, the supervisor will gather the necessary documentation. The supervisor will then make a determination of the level of response required or will refer the review to the appropriate chain of command.
- e. In the event a referral or review is not completed prior to the transfer of an affected officer to a new assignment, the transferring supervisor must make sure that sufficient information, including written documentation, is furnished to the new supervisor so that the process is successfully completed.
- f. Nothing in this policy precludes a supervisor from intervening with an officer before a referral is made or a review is initiated. Through personal observation and available performance data the PAS program can best be utilized by supervisors to identify opportunities to improve officer performance.

**RULES AND REGULATIONS
FOR THE**

**POLICE DEPARTMENT
OF THE CITY AND COUNTY
DENVER, COLORADO**

Effective 1st Day of May 1972

**Approved by the
City Attorney
Manager of Safety
Chief of Police**

RULES AND REGULATIONS

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**POLICE OFFICER'S
OATH
City and County of Denver
State of Colorado**

I do solemnly swear by the ever-loving God that I will support the Laws and Constitution of the United States and of the State of Colorado, and the Charter and Ordinances of the City and County of Denver; and that I will faithfully perform the duties of the office of Police Officer of the City and County of Denver, to which I have been appointed.

Denver Police Department

**LAW ENFORCEMENT
CODE OF ETHICS**

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

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

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

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

TERMINOLOGY

Absent Without Leave (AWOL) - Failure to report for duty without proper and sufficient reason, and without securing proper approval in advance.

Acting - Serving temporarily in a position to which the member is not ordinarily assigned usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.

Annual Leave - The vacation granted all members once each year.

Beat - An area assigned for foot patrol.

Chain of Command - The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command, down to the level of execution, and return.

CSA/Civilian Employees - Employees who are not in the Classified Service.

Classified Service - All positions and their classification which are under police civil service.

Daily Bulletin - The official publication of the Department. All directions contained in the bulletin have the force and effect of Department orders.

Directive - Permanent written orders issued by the Chief of Police, Division Chief, Bureau, District, or Unit Commander intended to guide the operations of the Department, Division, Bureau, District, or Unit under their command.

Discharge - The act of dispensing with or terminating the services of a member.

Discovery – Disclosure of all evidence and information related to any investigation within the scope of the Colorado Rules of Criminal Procedure and the Colorado Municipal Court Rules of Procedure.

District - A section of the city in which operates a police unit subordinate to the Division Chief of Patrol, Deputy Chief of Operations, and the Chief of Police.

District Commander - A Lieutenant or Captain assigned as a commanding officer in charge of a district station and district police personnel.

District Station - The police building that houses or serves district police personnel.

Emergency Procedure Plan - The plan of organization and disposition of personnel of the Department in coping with a major disaster, catastrophe, or civil disturbance.

Headquarters - The center of administrative operations and authority.

Immediately - The term is to be construed to mean as soon as possible and practical.

Incompetence - Incapable of satisfactory performance of police duties.

Inquest - The investigation of death conducted by the Medical Examiner's office.

Insubordination - The willful disobedience of any lawfully issued order by a superior officer, or any disrespectful, mutinous, insolent, or abusive language toward a superior officer.

Leave of Absence - An extended period during which an officer is granted leave from active duty without pay.

Leave - Death - The period of time during which an officer is excused from active duty by reason of the death of a near relative.

Leave - Military - A leave granted to serve in any of the recognized branches of Military Service.

Leave - Period - The rest period granted each 28-day work period during which the member is free from the performance of his/her regular duties.

Leave - Sick - The period of time during which an officer is granted leave from active duty by reason of illness or injury, or days in excess of required accumulated reserve.

Line Operation - All activities in which members of the Patrol, Investigation, and Special Operations Divisions are engaged that directly affect the accomplishment of the police purpose.

Medical Examiner Investigator - An investigator who represents or accompanies the Medical Examiner. His/her duties are to gather factual information and evidence relative to the circumstances of death.

Member - All persons in the Classified Service on the Police Department payroll and the Chief of Police.

Neglect of Duty - Failure to give suitable attention to the performance of duty.

Off Duty - The state of a member during the rest period when he/she is free of the responsibility of performing his/her usual routine duties.

Officers - Members of the Department generally without regard to rank, division, sex, or duty. Wherever applicable, all references to he shall include she.

Off the Air - In service but not available for radio communication.

On the Air - In service with the radio equipment in operation.

On Duty - The state of a member during the period of the day (shift) when he/she is actively engaged in the performance of his/her duty.

Operations Manual - A manual prepared under the direction of the Chief of Police to outline in detail the current operating procedures of the Department.

Order - A command or instruction given by a superior to a subordinate. It may be oral or written.

Out of Service - On duty but not available for radio call or other assignment because of previous assignment, on sight police action, car trouble, etc.

Out on Traffic - Temporarily out of service but maintaining radio communication. Out on traffic for a one person car is the same as out of service.

Patrol Car - A car used by an officer in the performance of his/her patrol duties, generally, a recognizable police vehicle. A "marked car".

Plain Clothes Officer - "Any officer whose duties require him/her to wear non-uniform attire during the performance of their duties."

Post - A fixed point or location to which officers are assigned for duty.

Precinct - An area within a district assigned for motor patrol.

Procedure - It is a prescribed method of dealing with a given situation.

Report - A written or electronic communication, unless otherwise specified, relating to police matters.

Reserve Officer - A civilian who receives no pay for his/her services and whose duties are to assist the Police Department as an auxiliary officer when needed.

Rules and Regulations - A directive issued by the Chief of Police, and approved by the Manager of Safety setting forth the rules, regulations and procedures under which the police Department will discharge its responsibilities and regulate the conduct of its officers and personnel.

Shift - The period during which an officer is on duty.

Solo Motorcycle - A two wheeled motorcycle.

Special Detail - Officers, from one or more units, grouped together for a specified mission.

Special Duty - Police service, the nature of which may require that the member be excused from the performance of his/her regular duties.

Special Orders - Written order issued by the Chief of Police of a temporary nature that ordinarily does not affect the entire Department.

Staff Supervision - The supervision by a superior officer of a subordinate not under his/her direct command for the purpose of fulfilling the staff operations of the Department.

Supervisory Officer - Officers assigned to positions requiring the exercise of immediate supervision over the activities of other officers or employees.

Superior Officer - All officers with the rank of Sergeant, Lieutenant, Captain, Commander, Division Chief, Deputy Chief or the Chief of Police.

Through Official Channels - Through the hands of superior officers in the chain of command.

Tour of Duty - The shift during which an individual member is on duty.

Uniformed Officer - Denoting an officer who wears a regulation police uniform.

Unmarked Car - A patrol car used by the uniformed or detective personnel with no recognizable police decals, lights or siren exposed.

RULES AND REGULATIONS

PREAMBLE

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders. Failure to comply with any of the Rules and Regulations of the Denver Police Department shall be construed a violation. Members in violation shall be subject to disciplinary action. The following provisions of conduct shall be construed as a rule violation of the Operations Manual and Directives and Orders of the Denver Police Department, but not by way of limitation.

RR-100 Conduct

RR-101 Deleted 10/2008

RR-102 Deleted 10/2008

RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders.

RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals

Any former DPD officer:

- a. who has been separated from employment with DPD due to a disciplinary action or disqualification; and
- b. who has a pending appeal of that disciplinary action or disqualification, or whose time to file such appeal has not yet expired shall, during the time the appeal is pending or the time for appeal has not expired, obey all state and federal statutes, municipal ordinances, the Charter of the City and County of Denver, DPD rules and regulations, and orders issued to the officer by the Department that were in effect at the time of the officer's separation from DPD. If any former officer who violates this rule subsequently regains employment with the Department, by any means including an order of reinstatement, the Department may take disciplinary action against the former officer upon such return to service.

RR-103 Aid Another to Violate Rule

Officers shall not aid, abet or incite another in the violation of the rules, duties, orders, or procedures of the Department.

RR-104 Contacting of Supervisor

When ever members of the Denver Police Department are arrested for, charged with, or convicted of a criminal offense, the involved officer will immediately notify a Denver Police supervisor or command officer. In addition to the reporting requirements set forth in OMS Section 503.01(3)a,2, members of the Denver Police Department will immediately notify a Denver Police supervisor or command officer when their driving privileges have been suspended or revoked or when served with a restraining order issued as the result of allegations of domestic violence or criminal activity. Section 503.01(3)a,2, requires that any sworn personnel who becomes aware that he or she is under investigation for, or charged with, any crime has had their State driver's license revoked, suspended, or when charged with a traffic offense of eight (8) or more points shall self report such investigation or charge immediately to a supervisor, command officer, or Internal Affairs. IAB shall relay the information to the Monitor and the Manager of Safety within three (3) business days.

RR-105 Conduct Prejudicial

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

- a. May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or
- b. Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

- RR-106 Deleted 10/2008**
- RR-106.1 Immoral Conduct**
Officers shall not participate in any immoral, indecent, or lewd conduct.
- RR-106.2 Sexual Misconduct**
While on duty, an officer shall not engage in any conduct or solicit another to engage in any conduct for the purpose of sexual gratification, sexual humiliation or sexual abuse. The same conduct is also prohibited while off duty, either in uniform in a public place or in any vehicle or facility to which an officer has access by virtue of the officer's police authority. The consent of another to engage in such sexual conduct or sexual acts is immaterial.
- RR-107 Always on Duty**
Officers are held to be always on duty, although periodically relieved from the routine performance of it. They are always subject to orders from a supervisory officer and subject to calls from private persons. The fact that they may be technically off duty shall not relieve them from the responsibility of taking proper police action in any matter coming to their attention. When there is no urgent or immediate need for police action, they may request the dispatcher to turn the matter over to officers on duty in the district; but they shall take such police action as may be required prior to the arrival of the dispatched officers.
- RR-108 Deleted 10/2008**
- RR-108.1 Plainclothes Officers – Identification**
Members in plain clothes on or off duty shall promptly identify themselves when the necessity arises. At the scene of an emergency where it is desirable to display the badge continuously, it shall be attached to the outer-most garment.
- RR-108.2 Protecting Identity of Undercover Officers**
Uniformed officers shall not acknowledge a member in civilian clothes unless first addressed.
- RR-109 Deleted 10/2008**
- RR-109.1 Drinking to Excess**
Officers shall not consume alcoholic beverages while off duty to an extent that results in the commission of an obnoxious or offensive act that might tend to bring discredit upon the Department.
- RR-109.2 Unfit for Duty**
Officers shall not consume any substance while off duty to an extent that renders them unfit to report for his or her regular duty or on call shift.
- RR-109.3 Drinking on Duty**
Officers shall not consume alcoholic beverages while on duty either in or out of uniform, or off duty while in uniform, except when necessary and authorized in the performance of duty.
- RR-109.4 Under the Influence**
Officers shall not consume any substance, while on duty either in or out of uniform, such that they are legally impaired except when necessary and authorized in the performance of duty.
- RR-110 Deleted 10/2008**
- RR-111 Controlled Substances (revised 05/2013)**
Officers shall not use or possess any controlled substance as such substances are defined under Colorado Revised Statutes, except according to prescription and under the supervision of a licensed medical professional. Notwithstanding Colorado Constitutional Amendments 20 and 64, officers shall not use or possess marijuana, medical or otherwise, regardless of duty status.]
- RR-112 Deleted 10/2008**
- RR-112.1 Misleading or Inaccurate Statements**
Officers shall not knowingly make a misleading or inaccurate statement relating to their official duties.

- RR-112.2 Commission of a Deceptive Act**
In connection with any investigation or any judicial or administrative proceeding, officers shall not knowingly commit a materially deceptive act, including but not limited to departing from the truth verbally, making a false report, or intentionally omitting information.
- RR-113 Deleted 10/2008**
- RR-114 Intimidation of Persons**
Officers shall not intimidate any person for personal reasons under the color of authority.
- RR-115 Deleted 10/2008**
- RR-115.1 Conduct Prohibited by Law**
Officers shall obey the Charter of the City and County of Denver, all City ordinances, and all state and federal statutes.
- RR-115.2 Aggravated Conduct Prohibited by Law**
Officers shall obey all state and federal statutes, specifically as they involve:
- a. Any felonious conduct;
 - b. Any conduct prohibited as a Class One Misdemeanor; or,
 - c. Any criminal conduct committed on duty or under color of authority.
- RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law**
Officers shall not conspire with another person or persons to commit any act in violation of a City ordinance, state, or federal statute.
- RR-117 Disobedience of an Order**
Officers shall obey any order lawfully issued by a supervisory or command officer.
- RR-118 Deleted 10/2008**
- RR-119 Sleeping on Duty**
Officers shall not sleep on duty.
- RR-120 Appropriating Property**
Officers shall not appropriate any lost, found, seized, or forfeited evidential or Departmental property to their own use.
- RR-121 Off Duty in Uniform**
Officers, while off duty and in uniform, shall conduct themselves as if they were on duty.
- RR-122 Deleted 10/2008**
- RR-122.1 Respect for Fellow Officer**
Officers shall treat other members of the Department with the respect due to them as fellow officers.
- RR-122.2 Abuse of Fellow Officers**
Officers shall not be abusive toward a fellow officer, regardless of rank.
- RR-122.3 Insubordination**
Officers shall recognize and accept the authority of superior officers and shall refrain from uttering any disrespectful, mutinous, insolent, or abusive language toward a supervisor or command officer.
- RR-123 Assault of Fellow Officer**
Officers shall not threaten, strike, or assault any other officer of the Department.
- RR-124 Deleted 10/2008**
- RR-125 Punctuality (Scheduled Discipline)**
Members of the Department must be punctual in reporting for duty, attendance to all calls, requirements of duty, court appearances, and other circumstances where time is specified.
- RR-126 Amusement Places Restrictions**
Officers on duty shall not enter any place of amusement or liquor establishment except when

necessary in the performance of duty or periodic inspection. (Officers are not prohibited from eating in restaurants which are licensed to serve liquor.)

- RR-127 Responsibilities to Serve Public**
Members shall serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their police responsibilities. They shall respect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgment.
- RR-128 Deleted 10/2008**
- RR-128.1 Impartial Attitude**
Members, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants and violators.
- RR-128.2 Impartial Attitude – Bias**
Members shall at all times consider it their duty to be of service to anyone who may be in danger or distress, regardless of race, color, creed, national origin, gender, age, sexual orientation, ancestry, physical or mental disability, marital status, military status, political affiliation, or religion.
- RR-129 Giving Name and Badge Number**
When a reasonable request is made for an officer's name, badge number or assignment, the officer shall provide a business card or the information in writing to any violator or person, unless such action is likely to jeopardize the successful completion of a police assignment. Business cards are required to be provided, without being asked, to any person that an officer has detained in a traffic stop if that person is not cited or arrested. Refer to OMS 116.32(5) for more information.
- RR-130 Deleted 10/2008**
- RR-130.1 Aiding and Protecting Fellow Officers – Unreasonable**
Members of the Department shall not unreasonably fail to assist and protect each other in restoring peace and order, apprehending offenders, or enforcing the law.
- RR-130.2 Aiding and Protecting Fellow Officers – Intentional or Reckless**
Members of the Department shall not intentionally or recklessly fail to assist and protect each other in restoring peace and order, apprehending offenders, or enforcing the law.
- RR-131 Deleted 10/2008**
- RR-132 Purchase of Forfeited Property**
Officers shall not purchase or attempt to purchase any item or property which they know has been seized by a criminal justice agency and legally forfeited. This shall include the purchase of a previously forfeited item or property which is offered for resale by a private retail vendor.
- RR-133 Deleted 10/2008**
- RR-134 Deleted 8/2004**
- RR-135 Deleted 4/2004**
- RR-136 Use of Tobacco Products in Police Facilities**
No member of the Classified Service, Career Service employee, contract employee of the City and County of Denver, or any other person shall use tobacco products in any police facility.
- "Tobacco products," as used herein, include but are not limited to: burning cigarettes, cigars, cigarillos, and pipe tobacco.
- The use of tobacco products means consumption by inhalation of any burning tobacco product or any other burning material manufactured, grown, or intended for use in a manner similar to that of cigarettes, cigars, cigarillos, or pipe tobacco.
- "Police facility", as used herein, means any interior part of the Police Administration Building, District Station, or any satellite office used by any unit, section, bureau, or division of the Police Department. All supervisory and command officers shall strictly enforce this regulation and shall themselves be subject to discipline for their failure to do so.

RR-137**Collective Bargaining Fair Share Fee**

Article IX, part 8 of the City and County of Denver Charter establishes collective bargaining for all members of the Classified Service of the Police Department and authorizes the negotiation of a fair share fee to be paid to the bargaining representative. As long as the Collective Bargaining Agreement is in force, all members of the Classified Service who are not dues paying members of the Denver Police Protective Association (DPPA), are required, as a condition of employment, to pay the designated fair share fee to the DPPA in accordance with the policy of the DPPA and Articles 5.2, 5.3, and 5.4 of the Collective Bargaining Agreement. Failure to pay the designated fair share fee to the Association will be grounds for disciplinary action, including termination.

RR-138**Discrimination, Harassment, and Retaliation**

Members of the Department are expressly prohibited from engaging in any form of discrimination, harassment, or retaliation, based on any class or personal characteristic protected by federal, state, or local law, or otherwise violating the Discrimination, Harassment and Retaliation Policy found in section 117.03, the Disclosure of Information Protected Policy found in section 117.05, the Racial/Ethnic Intimidation Policy found in Section 117.06 of the Denver Police Operations Manual or the Equal Employment Opportunity for Individuals with Disabilities Policy found in section 503.13 of the Denver Police Operations Manual.

RR-139**Deleted 10/2008****RR-140****Discourtesy**

Officers shall at all times be courteous and civil to the public. They shall be orderly, attentive, respectful, and exercise patience and discretion in the performance of their duties.

RR-141.1**Prohibited Associations**

Officers shall not knowingly fraternize, associate, or continue to associate with any person whom the officer reasonably believes to be engaging in or planning to commit criminal activities where further contact with such individual(s) is reasonably likely to damage public trust; adversely affect the officer's credibility or integrity; or create the appearance of impropriety, a conflict of interest, or corruptive behavior. The only exceptions to this rule will be interactions in accordance with authorized DPD duties and relationships, including immediate family members, where the relationship has been approved by the Chief of Police or the Chief's designee as per RR-141.2.

RR-141.2**Reporting of Prohibited Associations**

All potentially prohibited associations identified in RR-141.1 except those involving authorized DPD duties shall be promptly reported in writing to the Chief of Police or the Chief's designee. Failure to promptly report such an association shall subject an officer to possible disciplinary action. The Chief, upon receipt of the written report, shall make a determination whether further contact is reasonably likely to damage the public trust; adversely affect the officer's credibility or integrity; or create the appearance of impropriety, a conflict of interest, or corruptive behavior. If such a determination is made, the Chief or the Chief's designee may then reasonably prohibit or limit such future contacts. Otherwise, the Chief or designee may expressly authorize the continued association.

RR-142**Soliciting Preferential Treatment**

Officers shall not attempt to use their position as Department members (including displaying a badge or identifying themselves as Department members): (i) to solicit or to attempt to solicit any preferential treatment not extended to the general public; or (ii) to solicit or attempt to obtain any benefit to which they would not otherwise be entitled except in furtherance of official duties or as allowed by Department or City rule, policy, procedure or authorized practice.

RR-200 REWARDS AND GRATUITIES**RR-201****Deleted 10/2008****RR-202****Soliciting or Accepting a Bribe**

Officers shall not solicit or accept a bribe.

- RR-203 Accepting Gifts from Persons of Bad Character**
Officers shall not knowingly receive anything of value whatsoever or services, whether as a gift or as the result of purchase or trade, from suspects, prisoners, arrestees, prostitutes, or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons.
- RR-204 Soliciting, Accepting Gifts, Gratuities**
Individual members shall not solicit or accept any money, gift, gratuity, loan, present, or fee in connection with their duties as a Denver police officer or in representing the Denver Police Department, except as permitted by the Denver Ethics Code. With written approval of the Chief of Police, some recognized and sanctioned forms of soliciting funds or goods for a benevolent or charitable cause by members will be permitted.
- RR-205 Giving Testimonials, Seeking Publicity**
Members shall not give testimonials or permit their names or photographs to be used for advertising purposes without the approval of the Chief of Police. Members shall not seek personal publicity either directly or indirectly in the course of their employment.
- RR-206 Soliciting Business**
Members shall not solicit subscriptions; sell books, papers, tickets, merchandise, or other things; or collect or receive money or other things of value from the public for any purpose whatsoever, while on duty or in uniform or representing oneself as a member of the Department, except as authorized by the Chief of Police.
- RR-300 USE OF FORCE AND ARRESTS**
- RR-301 Deleted 10/2008**
- RR-302 Personal Family Disputes**
Officers shall not take police action or make arrests in their own quarrels or in those involving their families or their neighbors, except under such circumstances as would justify them in using self defense or to prevent injury to another or when a serious offense has been committed.
- RR-303 Trivial Offenses**
Officers shall not make arrests for offenses when a warning or citation would suffice.
- RR-304 Traffic Enforcement When Not in Uniform**
Unless in uniform and operating a police vehicle, or performing police secondary employment in uniform, off-duty officers shall not arrest or issue citations, verbal warnings, or written warning citations for minor traffic offenses. Off-duty officers who witness a serious or flagrant violation will, when practical, summon on-duty personnel to execute a stop of the violator, and must confer with an on-duty supervisor to obtain approval prior to issuing a citation or arresting the violator.
- RR-305 Duty to Protect Prisoner**
Officers shall not physically abuse a prisoner and shall not allow a prisoner in their custody to be physically abused by any person.
- RR-306 Inappropriate Force**
Officers shall not use inappropriate force in making an arrest or in dealing with a prisoner or any other person.
- RR-307 Posting Bail**
Officers shall not post bail for any person arrested, except members of their own immediate families.
- RR-308 Aiding an Escapee**
Officers shall not aid or abet any prisoner to escape.
- RR-309 Deleted 10/2008**

RR-309.1 Suggesting Bondsmen or Attorneys

Officers shall not suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested, except to members of their own immediate families.

RR-309.2 Suggesting Bondsmen or Attorneys for Profit

Officers shall not, for personal gain or benefit, suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested.

RR-310 Mistreatment of Prisoners/Suspects

Prisoners and suspects shall be treated in a fair and humane manner.

RR-311 Deleted 10/2008**RR-311.1 Compromising Criminal Cases**

Officers shall not become involved in making any promises or arrangements between a suspect and his/her victim intended to permit the offender to escape the full penalty provided by the law. Nothing herein shall limit or restrain an officer from the reasonable exercise of discretion in the resolution of minor complaints.

RR-311.2 Interference with Prosecution

Officers shall not interfere with the courts or, for personal gain or benefit, use their official positions to make any arrangements for any suspect to escape prosecution.

RR-312 Deleted 10/2008**RR-312.1 Interfering with Case Assigned to Other Officers**

Officers shall not interfere with any case assigned to another officer. Nor shall any officer interfere with the operation of any other division, bureau, section, or unit of the Department; other government agency; or any lawful private business.

RR-312.2 Interfering with Internal Investigation/Questioning

An officer shall not engage in conduct or have direct or indirect contact with any witness, complainant, or investigator which is intended to obstruct, compromise, or interfere with an internal investigation. Internal Investigations shall include those initiated by the Internal Affairs Bureau, the Professional Standards Unit, the Office of the Independent Monitor, the Manager of Safety's EEO Coordinator, or any other division, bureau, section, or unit.

RR-312.3 Failure to Provide a Statement

Once ordered to do so, officers are required to provide a complete and truthful statement to any authorized Internal Affairs officer, supervisor, commander, representative of the Internal Affairs Bureau, the Manager of Safety's EEO Coordinator, or anyone else to whom the Manager of Safety has delegated the authority to compel statements.

RR-313 Deleted 10/2008**RR-314 Providing Assistance Outside the City**

Officers shall not go outside the jurisdiction of the City and County of Denver during their regular duty shift except:

- a. in cases of fresh pursuit;
- b. when sent by proper authority;
- c. when there appears to be an emergency or need for assistance; or
- d. when authorized to do so by a supervisory officer.

RR-400 FIREARMS**RR-401 Display of Firearms**

Officers shall not unnecessarily draw or display any firearm.

RR-402 Careless Handling of Firearms

Officers shall not carelessly handle a firearm at any time.

RR-403 Restrictions on Utility Firearms

Officers shall not carry utility firearms, either on their person or in vehicles, without the approval of their Division Chief.

RR-500 COURT**RR-501 Personal Appearance in Court**

Officers appearing in court as witnesses or for any other reason shall appear in the regulation uniform or acceptable business attire with dress shirt and tie.

RR-502 Attendance In Court (Scheduled Discipline)

All officers who receive subpoenas shall make proper return on each and will be held strictly accountable for appearance on a punctual basis. Officers unable to attend court, or those who expect to be late, must notify the Court Liaison Office.

RR-600 REPORTS, COMMUNICATIONS, EVIDENCE AND DISCOVERY (Revised 05-2011)**RR-601 Deleted 10/2008****RR-601.1 Communication of Confidential Information, Generally**

Members shall not impart official information of a confidential nature to anyone, except to those for whom it is intended, as directed by their commanding officer, or under due process of law. They shall not reveal to any private person the identity of an informant or any individual who has provided information upon the condition of anonymity.

RR-601.2 Communication of Confidential Information that Jeopardizes a Police Action

Officers shall not communicate, except to authorized persons, information which may jeopardize an arrest, police action, or investigation or which may aid a person to escape or attempt to escape.

RR-602 Deleted 10/2008**RR-603 Destruction of Evidence**

Officers shall not recklessly or negligently destroy or remove evidence, nor shall officers intentionally destroy or remove evidence, except as legally permissible.

RR-604 Deleted 10/2008**RR-605 Removal of Reports and Records**

Officers shall not, without proper authority, remove Department reports or records from the division or bureau where they are maintained.

RR-606 Destruction of Reports or Records

Officers shall not except on the order of the Chief of Police, destroy or permanently remove from its file any Departmental report or record.

RR-607 Failure to Make, File, or Complete Official Reports

Officers shall not fail to make, file, or complete required reports and records. Members shall make reports promptly, accurately, and completely in conformity with specifications of the Department. Members shall make all necessary reports before going off duty unless a supervisor/commander authorizes the delay.

RR-608 Deleted 10/2008**RR-609 Altering Information on Official Documents**

Officers shall not unnecessarily change, alter, or otherwise distort the information on any official

document.

RR-610 Deleted 10/2008

RR-611 Deleted 10/2008

RR-612 Answer to Official Communications

All official communications, telegrams, circulars, and other correspondence sent out from this Department shall conform to the format prescribed by the Chief of Police.

RR-613 Unauthorized Use of Department Letterheads

Officers shall not use Police Department letterheads except for authorized Departmental correspondence.

RR-614 Publication of Articles

Articles prepared for publication in which the member identifies themselves as a DPD member must be submitted in their entirety to the Chief of Police for approval prior to publication and be in the best interest of the Department. Materials obtained or created during a member's official duties remain the property of the Denver Police Department. Members must articulate the intended purpose and obtain prior approval from the Chief of Police before using any Department materials such as photos, videos, audio recordings, reports, badge images, and photos of department personnel, equipment, or buildings for training or publication purposes. Articles include, but are not limited to, items published in books, magazines, newspapers, and other periodicals as well as items posted in electronic sharing sites such as blogs, Facebook, MySpace, Twitter, or other similar online journals or news sites.

RR-615 Deleted 10/2008

RR-616 Police Bulletin

Members of the Classified Service shall familiarize themselves with the information printed in the Police Bulletin.

RR-617 Compliance with Discovery Requirements (Revised 05-2011)

Officers shall document and protect all information and evidence gathered and collected during any arrest or criminal investigation. Members shall provide all files, books, papers, documents, photographs, audio and video recordings, and tangible objects collected and created as part of an arrest or criminal investigation, to the investigative case file or Property Management Bureau under the assigned general offense (GO) number.

RR-700 POLITICAL ACTIVITIES

RR-701 Deleted 10/2008

RR-702 Using Police Position to Gain Political Office

Officers, while seeking or holding political office shall not appear in that capacity in the Denver Police uniform or use their positions as police officers to gain political office or carry out the duties thereof.

RR-703 Soliciting Money for Political Purposes

Officers shall not solicit money or other things for political purposes while in uniform or on duty or in any room or building occupied for the discharge of official police duties.

RR-704 Soliciting for Promotion, Appointment

Officers shall not solicit petitions for promotions, appointments, or change of duty, or promote any political influence to effect such an end for themselves or any other member of the Department.

RR-705 Deleted 10/2008

RR-706 Deleted 10/2008

RR-800 UNIFORMS AND EQUIPMENT**RR-801 Deleted 10/2008****RR-802 Uniform Restrictions While Off Duty**

Off duty officers are restricted in the use of their uniforms as follows:

- a. They may wear their full uniform in going to and from work.
- b. When wearing civilian headgear or when bareheaded and wearing partial uniform, officers shall wear a civilian coat as their outermost garment.
- c. No civilian attire shall be worn with the uniform cap or helmet.

RR-803 Uniform Restrictions for Officers Under Suspension

The uniform shall not be worn while an officer is under suspension.

RR-804 Exercise of Authority While Under Suspension

Officers shall not exercise police authority while under suspension.

RR-805 Equipment Carried on Person

Officers shall carry their badge and I.D. Card and be armed at all times, except as provided by the Operations Manual.

RR-806.1 Alteration of Badge Prohibited

The badge shall not be altered, exchanged, or transferred except by order of the Chief of Police. Members shall not use another member's badge or official police credentials without permission of the Chief of Police.

RR-806.2 Use of Badge by Person other than an Officer

Officers shall not permit any person not appointed a member of the Police Department to use an official badge or credential at any time.

RR-807 Loss or Damage to Badge

When a member's badge is lost or damaged, that member shall report the loss or damage through channels in writing to the Chief of Police. The cost of replacement or repair will be charged to the member unless he/she can show that such loss or damage was not incurred through personal negligence. (See 504.03)

RR-808 Equipment and Property Restrictions on Use

Officers are prohibited from using Police Department property or vehicles in the conduct of their own personal or private affairs without approval of a Division Chief or the Chief of Police.

RR-809 Rough or Careless Handling of City or Departmental Property

(Scheduled Discipline as it relates to Preventable Accidents)

Members shall use care in handling Department equipment and property and shall report immediately any that is lost, damaged, or in bad order.

RR-900 VEHICLE OPERATION**RR-901 Deleted 10/2008****RR-902 Department Vehicle Operation**

Officers shall not allow any non-member of the Classified Service to operate any vehicle of this Department without permission of their commanding officer.

RR-1000 CIVIL CASES**RR-1001 Testifying in Civil Cases**

Officers shall not testify in civil cases unless legally summoned.

RR-1002 Service of Civil Process

Officers shall not serve civil process except those initiated by the City or as required by the Colorado Revised Statutes and specifically authorized by Departmental procedure.

RR-1003 Initiation of Civil Cases

Officers shall not initiate civil action arising out of their official duties without first notifying the Chief of Police.

RR-1004 Testifying for Defendant

Any member subpoenaed to testify for the defense in any trial or against the City of Denver or interest of the Department in any hearing or trial shall forthwith notify his/her commanding officer, district or city attorney, and Civil Liability, as necessary.

RR-1100 LEAVE, SICKNESS AND INJURY**RR-1101 Reporting Absence Prior to Roll Call**

Officers shall report for duty at the time and place specified and in the attire and with the equipment specified by Departmental orders or a supervisory officer, unless absence is authorized by their supervisory officer.

RR-1102 Reporting for Duty

Unless otherwise excused, officers shall report for duty when scheduled or, when off duty, immediately upon receipt of order to do so.

RR-1103 Constructive Resignation

Failure to report for duty within five (5) days following the expiration of a leave of absence without just cause or being absent without leave for a period of five (5) days without just cause shall be construed as a constructive resignation as provided in the Civil Service Rules.

RR-1104 Location When Ill

Officers who are absent from duty and using sick leave time shall be required to keep their commanders informed of their locations and be available by phone or in person at those locations.

RR-1105 Reporting During Illness or Injury

Officers shall not fail, while off duty due to illness or injury except while hospitalized, to contact their unit commander at three-day intervals to report condition and progress of recovery, unless the reporting is excused by their commanding officer.

RR-1106 Feigning Illness or Injury

Officers shall not feign illness or injury in an effort to avoid duty.

RR-1107 Physical or Mental Examination

Officers who have been ordered to submit to physical or mental examination shall do so in accordance with the directions of the Chief of Police.

RR-1108 Release of Medical Information

All officers shall authorize their attending physician to release to their unit commander and the Chief of Police information regarding their condition and ability to perform certain duties.

RR-1109 Deleted 10/2008**RR-1200 P.O.S.T. Certification of Officers****RR-1201 P.O.S.T. Certification Required**

All officers of the Denver Police Department shall hold current certification by the Colorado Peace Officers Standards and Training Board. See C.R.S. §24-31-303 and §24-31-305. No officer shall commit an act that is defined by the P.O.S.T. Board as an offense that would disqualify the officer from maintaining his/her P.O.S.T. certification.

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SUBJECT

SECTION

COLLECTIVE BARGAINING AGREEMENT
BETWEEN
CITY AND COUNTY OF DENVER
AND
DENVER POLICE PROTECTIVE ASSOCIATION
2015 – 2017

2012-1049-C

RECEIVED
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CITY & COUNTY DENVER

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PREAMBLE

This Contract entered into on this _____ day of _____, 2014 between the CITY AND COUNTY OF DENVER (hereinafter referred to as "City"), and the DENVER POLICE PROTECTIVE ASSOCIATION (hereinafter referred to as "the Association"), has as its purpose the establishment of a productive relationship between the City and the Association, and to set compensation and certain other conditions of employment as specified in § 9.8.3(B) and (D) of the Charter.

Article 1**RECOGNITION**

The City recognizes the Association as the sole and exclusive bargaining agent chosen by the members of the bargaining unit for purposes of negotiating subjects specified in § 9.8.3(B) and (D) of the Charter.

Article 2

DEFINITIONS

- 2.1 **“City”** means the City and County of Denver, Colorado.
- 2.2 **“Association”** means the Denver Police Protective Association.
- 2.3 **“Bargaining agent”** means the Denver Police Protective Association.
- 2.4 **“Officer”** means a member of the bargaining unit as defined below.
- 2.5 **“Chief”** means the Chief of Police of the City and County of Denver.
- 2.6 **“Commission”** means the Civil Service Commission of the City and County of Denver.
- 2.7 **“Department”** means the Police Department of the City and County of Denver.
- 2.8 **“Rank”** is defined by § 9.6.6 of the Charter.
- 2.9 **“Bargaining Unit”** means all officers in positions of the classified service of the Police Department of the City, except the Chief of Police, Deputy Chiefs, Division Chiefs and Commanders.
- 2.10 **“Charter”** means the Charter of the City and County of Denver.
- 2.11 **“Executive Board”** or **“Board of Directors”** means those seven members of the Association who are elected to serve as officers, directors or members of the Executive Board of the Denver Police Protective Association by the Association's membership.
- 2.12 **“Base Pay”** is the sum total of an officer's annual salary plus longevity as calculated in accordance with this Agreement. **“Base Rate of Pay”** is base pay divided by two thousand eighty (2,080) hours.
- 2.13 **“Regular Rate of Pay”** is the sum total of an officer's base pay, as defined in 2.12 above, plus any other regularly recurring remunerations the officer may be receiving under Article 27 of this Agreement, divided by two thousand eighty (2,080) hours.
- 2.14 **“Hourly Rate”** is the annual salary for a given rank, divided by two thousand eighty (2,080) hours.
- 2.15 **“Accrued Time”** is the sum total of an officer's vacation time, saved vacation time, saved holiday time, compensatory time and/or birthday leave time under this Agreement.

Reference to the male gender throughout this Agreement shall include references to the female

gender and vice versa.

Article 3

[RESERVED]

Article 4

ASSOCIATION RIGHTS

4.1 When the Chief or his designee has granted prior approval, Association officials or representatives shall be allowed time away from their assigned duty station in order to conduct Association business. Nothing herein shall limit the discretion of the Chief or his designee in approving such time off.

4.2 Bulletin Boards

The Association may maintain one (1) secure bulletin board at each of the decentralized stations and other police facilities and two (2) secure bulletin boards at the Police Administration Building. The Chief or his designee will approve the location of such bulletin boards. All notices posted on these bulletin boards must first be approved by the Chief or a Deputy Chief before being posted. These boards may be used for the following notices:

4.2.1 Recreation and Social Affairs of the Association.

4.2.2 Association Meetings.

4.2.3 Association Elections.

4.2.4 Reports of Association Committees.

4.2.5 Information to police officers concerning their employment.

There shall be no postings regarding any political candidate or candidates, nor postings concerning any issues being considered as part of a federal, state or municipal election.

The bulletin boards will be paid for by the Association who shall also be responsible for their maintenance and security.

Subject to prior approval by the Chief or a Deputy Chief, not more than twice a month, or as the Chief may additionally allow, notices concerning matters related to scheduled meetings or affairs of the association or incidental to this Agreement may be sent to Association members via the Department's e-mail system in accordance with procedures determined by the Department. Notwithstanding the above, the Association's newsletter will not be distributed to Association members via the Department's e-mail system.

4.3 Members of the Association's Executive Board may, at the discretion of the Chief or his/her designee, be permitted to speak at shift roll call meetings about Association business, and shall be permitted to address each Department recruit class for a period not to exceed two (2) hours

concerning Association membership and benefits.

4.4

In response to requests for information, the parties will provide information deemed reasonably necessary for purposes of preparing for negotiations and/or impasse or grievance arbitrations. Responses to requests for information shall be made within a reasonable period of time. Denial of any request for information or the response to any request for information shall not be subject to the grievance or arbitration procedures, but may be admissible in any subsequent impasse or grievance arbitration.

Article 5

CHECK OFF AND FAIR SHARE

- 5.1 Within thirty (30) days after the effective date of the commencement of this agreement or within thirty (30) days after being hired into the bargaining unit, and continuing thereafter on the last day of each calendar month, and as a condition of employment, any officer who is not an active member of the Association shall tender to the Association the officer's fair share of the cost of negotiating and administering this Agreement, including all costs germane to collective bargaining and/or to the collective bargaining process.
- 5.2 Any officer who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion, body or sect which has historically held conscientious objections to joining or financially supporting labor organizations shall not be required to financially support the Association as a condition of employment; except that as a condition of employment, such officer shall be required to pay, in lieu of fair share payment, sums equal to such fair share payment to one of the following nonreligious nonlabor organizations all of which are exempt from taxation under 26 U.S.C. § 501(c)(3): the Denver Police Officers Foundation, the Denver Police Protective Association Relief Fund, the AMC Cancer Research Center or the American Diabetes Association.
- 5.3 The City agrees to deduct the Association membership dues, assessments and fair share payments from the pay of such officers who individually request in writing that such deductions shall be made on a form agreeable to the City. The Association shall certify to the City the amount to be deducted. The written authorization for Association dues deduction and assessments or fair share payments shall remain in full force and effect until revoked in writing by the officer.
- 5.4 The payment to the Association will normally be made by the first day of the month after such deductions are made. If the City makes a good faith effort to meet this time frame, the Association agrees that it will not make any claim for damages, interest or other monetary compensation for the time the payment is not received. The Association agrees that it will indemnify and save the City harmless from all suits, actions, and claims against the City or persons acting on behalf of the City whether for damages, compensation or any combination thereof, arising out of the City's compliance with the terms of this Article. The Association shall reimburse the City for any and all reasonable costs and reasonable attorneys fees arising out of the defense of any such action against the City. The City agrees to cooperate with the Association and its counsel concerning any such litigation.
- 5.5 The department will provide to the Association strength reports, assignment rosters, drop reports, and separation information on a monthly basis.

Article 6

[RESERVED]

Article 7

LABOR MANAGEMENT COMMITTEE

- 7.1 The City and the Association agree to set up a Labor Management Committee which shall consist of three (3) representatives appointed by the Association President and three (3) representatives appointed by the Chief. If an issue is brought to either the City or the Association by another organization of police officers, a representative of that organization shall have the right to attend the meeting at which that issue is discussed.
- 7.2 The committee shall discuss matters of concern to either the Association or the Department which are not addressed in this Agreement and/or the procedures to be followed with respect to matters which are addressed in the Agreement, including matters and equipment relating to officer safety. Statements by committee members made during Labor Management meetings shall not be used as evidence or admissions in any proceeding between the parties. Issues presented to the committee shall be resolved within fifteen (15) days of the meeting at which the issue was discussed, or as mutually agreed by the parties. If the issue is not resolved within fifteen (15) days or at the time mutually agreed by the parties, or if the Association is not satisfied with the resolution, the issue may be raised with the Chief in a meeting to be scheduled as soon as practicable. Following such meeting, the issue will be resolved by the Chief, or in the Chief's absence, the Acting Chief, within twenty (20) days. Resolution may include notification of the need for further research and deliberation as necessary.
- 7.3 Unless otherwise agreed upon, the Labor Management Committee shall meet on a monthly basis at a time and place mutually agreed upon between the Chief's designee and the Association President. Either party may request additional meetings as needed, and such meetings will occur at a time and place mutually agreed upon by the Chief's designee and the Association President.
- 7.4 The Committee's discussion of an issue does not affect whether that issue is or is not a mandatory or permissive subject of bargaining.
- 7.5 The Chief shall arrange for Committee officers who are on duty to be released to attend such meetings. Committee officers who are off duty shall be compensated at their regular rate of pay for the amount of time actually spent at the meeting.

Article 8**SENIORITY**

Seniority shall be defined as the length of service in the Department within the officer's civil service rank following the officer's most recent appointment to that rank. When two (2) or more officers in the same rank were appointed on the same day, seniority shall be determined by their position on the certified promotional list for that rank. Time spent on authorized paid leave or military leaves of absence shall be included in length of service. If an officer who has been promoted reverts to a rank formerly held, the officer's seniority shall be the sum of the seniority earned in the promotional rank and in the rank to which the officer reverts.

Article 9

VACATIONS

- 9.1 Officers hired on or after January 1, 1996 shall accrue vacation as follows:

<u>Length of Employment</u>	<u>Annual Leave Hours Accrued Each Year of Regular Time Worked</u>
1st through 4th year	112 hours
5th through 9th year	136 hours
10th through 14th year	144 hours
15th through 19th year	168 hours
20th through 24th year	184 hours
25th year and thereafter	200 hours

Officers hired prior to January 1, 1996 shall continue to receive their vacation entitlement pursuant to the schedule in effect in 1995, except that effective on January 1, 1996, officers with 20 or more years of service accrue 23 days; effective January 1, 1997, officers with 25 or more years of service accrue 24 days; effective January 1, 1998, officers with 25 or more years of service accrue 25 days.

- 9.2 Vacation shall be accrued for each month of service, prorated on the above schedule.
- 9.3 Subject to the limitations of 9.3.1, vacation time must be used in the calendar year in which it is received except that an officer may carry over up to 144 hours of vacation time to be used subsequent to the time of accrual. Officers may, solely at the Chief's discretion, use their excess accrued vacation in increments of eight (8), ten (10) or twelve (12) hours dependent upon the officer's regularly scheduled duty shift.
- 9.3.1 Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire.
- 9.4 Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer's estate. Payment due under this article shall be made within sixty (60) days of the date of the officer's separation from the department or within sixty (60) days from the officer's death or the appointment of a personal representative on behalf of the officer's estate.
- 9.5 Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.

- 9.6 Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of the work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hours shifts shall use five (5) regular days off and officers working eight (8) hours shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer's period of vacation subject to the needs of the department and the Chief's discretion.
- 9.7 Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the commander.
- 9.8 Transfers after vacation voting:
- a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.
 - b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.
- 9.9 In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.
- 9.10 Except in an emergency under procedures determined by the Chief, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.

9.11 The use of vacation time shall be voted by seniority as follows:

9.11.1 Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of detective, corporal and technician are not civil service ranks. Division Chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. In the absence of a Division Chief, the Deputy Chief of the affected area of Operations or Administration may permit voting within individual units. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.

Article 10

SICK LEAVE

- 10.1 Each officer shall be allowed one hundred forty-four (144) hours of sick leave per year with full compensation at the officer's base rate of pay. The unused portion of such sick leave may be accumulated until the officer shall have a reserve of seven hundred twenty (720) hours of sick leave. At any time the accumulated reserve of sick leave shall exceed seven hundred twenty (720) hours, payment for the time in excess of seven hundred twenty (720) hours shall be made to the officer at the officer's base rate of pay, provided the Chief approves such payment; and if such payment is not so approved, the time in excess of seven hundred twenty hours shall be added to the officer's annual vacation. The maximum amount of accumulated sick leave to be compensated in any one year is one hundred forty-four (144) hours in excess of a seven hundred twenty (720) hour bank.
- 10.2 At the termination of an officer's term of service with the department, for any reason, the officer shall pursuant to Article 33 receive compensation in full at the officer's base rate of pay for all accumulated sick leave due the officer at the termination of service. Upon the death of an officer, the cash benefits attributable to the officer's accumulated sick leave shall be paid to the officer's surviving spouse or, if there be no surviving spouse, then the officer's surviving child or children or, if there be no surviving child or children, then to the officer's estate.
- 10.3 Sick leave may be used when an officer is incapacitated by sickness or injury; for medical, dental and optical examinations or treatment; and for the necessary care and attendance during sickness of a member of the officer's immediate family. For purposes of this Article 10.3, "immediate family" includes the officer's spouse, son, daughter, mother, father, grandparents, grandchildren, brother, sister, in-laws, or domestic partner as defined by the City.
- 10.4 Officers shall be provided Family and Medical Leave Act ("FMLA") leave consistent with the FMLA and its corresponding regulations. Officers shall use accrued paid leave in conjunction with any leave granted under the FMLA.
- 10.5 An officer may donate sick leave to the sick leave bank of another member of the bargaining unit. Any sick leave donated to another officer's sick leave bank shall be converted to the hourly rate of the donee.

Article 11

HOLIDAYS

- 11.1 The following are recognized and observed as holidays:
- New Year's Day
 - Dr. Martin Luther King Day
 - Presidents Day
 - Cesar Chavez Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving
 - Veterans Day
 - Christmas Day
 - Officer's Birthday (to be taken off in accordance with procedures issued by the Chief)
- 11.2 In addition to his base pay, an officer shall be paid one and one-half times his base rate of pay for any time actually worked on a holiday.
- 11.3 If the day on which a holiday is observed falls on an officer's scheduled day off, the officer shall receive, in addition to the officer's base pay, pay for the holiday at the officer's base rate of pay.
- 11.4 At the discretion of the Chief and subject to the needs of the department, an officer may request eight (8) hours of time off in lieu of receiving pay for the recognized holiday under 11.2 or 11.3 and may save up to four (4) such holidays for a maximum of thirty-two (32) hours of holiday time which can be voted at the time of the vacation leave vote. Such requests for time off and voting for such holiday time block will be dealt with in accordance with procedures to be developed by the department, after consultation with the Association through the Labor Management Committee. When an officer requests and is granted eight (8) hours of time off in lieu of a specific holiday, he has no entitlement to either the premium pay under 11.2 for work on the holiday or payment under 11.3 if the holiday as observed falls on the officer's scheduled day off.

Article 12**BEREAVEMENT LEAVE**

Upon proper notification to his commanding officer, an officer shall be granted forty (40) hours of paid leave of absence in the event of the death of the officer's husband, wife, mother, father, mother-in-law, father-in-law, stepfather, stepmother, child, stepchild, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, domestic partner as defined by the City, or other person within the officer's immediate household. On the occasion of the death of any other relative, including a relative by marriage, an officer shall be granted a one (1) day paid leave of absence. Bereavement leave pursuant to this Article may be taken in conjunction with the officer's regularly scheduled days off and/or previously scheduled leave time. Bereavement leave is to be taken in connection with matters related to the death.

Article 13

MILITARY SERVICE LEAVE

- 13.1 Officers who are absent from work for military service in one of the uniformed services and who are otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act ("USERRA") shall be granted leaves of absence for such military service.
 - 13.1.1 Officers shall give the Department advance written or verbal notice of an absence due to military service.
 - 13.1.2 Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year.
 - 13.1.3 Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued vacation leave or compensatory time, in lieu of unpaid leave, for all or any portion of the officer's absence due to military service.
- 13.2 Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.
- 13.3 While on paid military leave, an officer's seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer's seniority will not be affected.
- 13.4 During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C § 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu or, to replace, or to supplement D.R.M.C § 18-164. In the event D.R.M.C § 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.

Article 14**LEAVE OF ABSENCE**

A leave of absence without pay of up to one (1) year may be granted by the Chief or his designee to an officer who has completed at least five (5) years of continuous service. Leave shall not be unreasonably denied. If the leave is denied, the reason for denial shall be provided to the officer in writing.

Article 15**NUMBER OF HOURS IN WORK PERIOD/DAYS OFF**

- 15.1 During each twenty-eight (28) day work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each twenty-eight (28) day work period, each officer shall receive eight (8) days off, or the equivalent, depending on the officer's regularly scheduled duty shift.
- 15.2 In the event that the department adopts a fourteenth (14th) period during any calendar year, each officer shall receive an additional two (2) days off, or the equivalent, depending on the officer's regularly scheduled duty shift.

Article 16

OVERTIME

16.1 Pursuant to § 7(k) of the Fair Labor Standards Act (29 U.S.C. § 207(k)), a work period for officers of twenty-eight (28) days is established.

16.2 The overtime rate of pay shall be at time and one-half of the officer's regular rate of pay. Except as noted in section 16.3 below, all officers up to and including the rank of lieutenant shall be paid at the overtime rate for all hours worked in excess of their normal daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) hours in the work period. Captains shall be compensated for all hours worked in excess of their normal duty shift at their regular rate of pay, except as noted in section 16.3 below. For purposes of this article, the term "hours worked during a normal daily work shift" shall include all types of paid leave or time off except compensatory time. The parties expressly acknowledge that the time spent donning and doffing the uniform and safety gear required by the Department to be worn by officers does not constitute compensable work time under the FLSA or this Agreement.

All overtime worked, other than off-duty overtime specified in section 16.3 below, shall be compensated in either money or time off pursuant to this agreement, unless external funding sources dictate otherwise. All overtime work must be approved by the officer's supervisor prior to the work being performed. Time worked will be recorded pursuant to the Department's established record keeping procedures.

After working overtime the officer will designate whether he wants to be compensated in money or time off. If the officer requests compensation in money, that request will be honored unless a supervisor, for reasonable cause, denies the request. Any such denial is subject to review through the chain of command and ultimately through the grievance procedure of the collective bargaining agreement. If the officer requests compensation in compensatory time off, said request shall be granted, absent extraordinary circumstances, until the officer achieves a bank of eighty (80) hours. If an officer has accumulated a bank of eighty (80) hours or more, then a request for further accrual of compensatory time off must be approved by the Chief or his designee.

Compensatory time for all non-Patrol Officers may be used within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the Department. Compensatory time for all Officers within the Patrol Division shall be in accordance with those practices more specifically set forth in a Settlement Agreement and Order Approving Settlement entered in a civil action entitled *Nick Rogers, et al v. City and County of Denver*, Civil Action No. 07-CV 00541-RPM, dated January 31, 2012. Under all circumstances, pre-approved vacations take precedence over requests to use compensatory time.

- 16.3 Overtime in off-duty positions paid through the department shall be compensated as follows:
- a. Officers below the rank of sergeant working overtime in an off-duty position paid through the department shall be compensated at their overtime rate.
 - b. Officers at or above the rank of sergeant working overtime in an off-duty position in a supervisory capacity paid through the department shall be compensated at their overtime rate.
 - c. Unless otherwise approved by the Chief or his designee, officers at or above the rank of sergeant working overtime in an off-duty position in a non-supervisory capacity paid through the department shall be compensated at one and one-half times the hourly rate of pay of a detective with 25 years longevity.
- 16.4 Actual overtime worked is to be converted to the nearest 1/10th hour until such time as the Department has the ability to record and pay overtime to the minute. At that time, actual overtime worked will be calculated and paid to the minute.
- 16.5 Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative or enforcement duties.

Article 17

CALL BACK

- 17.1 Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and within two (2) hours of the officer's next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and two (2) or more hours prior to the officer's next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer's work assignment begins.
- 17.2 An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.
- 17.3 Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer's regular rate of pay or the actual time worked at the officer's regular rate of pay, whichever is greater.

Article 18

COURT TIME/JURY DUTY

- 18.1 Any officer up to and including the rank of Lieutenant who is off duty and is subpoenaed to testify concerning matters arising out of the performance of his or her assigned duties shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater, except:
- (1) Testimony commencing within two (2) hours prior to the officer's regularly scheduled shift will be viewed as continuous duty;
 - (2) Testimony commencing when an officer is on duty and concluding when an officer is off duty will be viewed as continuous duty;
 - (3) Officers who are on inactive duty because of a line of duty injury will receive no compensation for appearing in court; and
 - (4) If an officer is using sick leave, the officer shall be compensated at his or her base rate of pay for time spent in court, without deduction of that time from his or her sick leave bank.
- 18.2 Any officer who is summoned to perform jury duty shall suffer no loss of pay or benefits for any and all time spent in the performance of such service or in response to such summons.
- 18.3 The parties agree that members of the bargaining unit subpoenaed to appear in court shall call into the police department within twenty-four (24) hours prior to the day of the required court appearance in order to determine whether the subpoena has been cancelled. Should the employee fail to call the police department within the twenty-four (24) hour period and appear in court for a case which has been cancelled, no call back or overtime compensation shall be paid to the employee.
- The twenty-four (24) hour time frame for the call into the police department shall be a window period of 5:00 p.m. to 12:00 a.m. (midnight) of the day preceding the required court appearance. The employee shall be paid court time if he or she calls within the required time period, is told to appear, and then the case is cancelled.

Article 19**CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF**

- 19.1 Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
- 19.2 The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.
- 19.3 Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer's scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted hours of a shift are changed within seventy-two (72) hours of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.
- 19.4 In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1-1/2) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.

Article 20

EQUIPMENT ALLOWANCE

- 20.1 The City shall pay each officer an allowance of \$700 for the acquisition, maintenance and repair of equipment. This payment shall be made on or before November 30 of each year of the Agreement.
- 20.2 The items contained in Uniform Supply Directive Numbers 97-02, 97-13, 97-14, 97-17, 97-19, 97-20, 97-23, 97-24, 97-28 shall be provided by the City at the discretion of the Chief. There will be an opportunity for input by the Labor Management Committee before any change is implemented.
- 20.3 The “Colorado Peace Officers’ Statutory Source Book” and the “Colorado Revised Statutes Pertaining to Criminal Law” published by the Colorado District Attorneys Council will be available for review and reference at each of the decentralized stations and other police facilities and the Police Administration Building.

20.4 VESTS

- 20.4.1 For each officer who graduates from the academy, the City will provide reimbursement of up to seven hundred fifty dollars (\$750) for the purchase of a protective vest.
- 20.4.2 All other officers shall be entitled to reimbursement of up to seven hundred fifty dollars (\$750) for the purchase of a protective vest on the fifth year anniversary of the prior reimbursement to the officer for the purchase of such vest. Reimbursement shall only be available with proof of purchase of a replacement vest of replacing the one for which reimbursement had previously been received, or a new vest if no reimbursement was previously made.
- 20.4.3 Notwithstanding the above and foregoing, if, at any time during the term of this Agreement, a protective vest previously issued by the City or a vest which was previously the subject of reimbursement by the City becomes unserviceable in accordance with the manufacturer’s warranties, such vest shall be surrendered to the City and a replacement vest issued to the officer or a reimbursement made to the officer for the actual purchase of a replacement vest, up to seven hundred fifty dollars (\$750).

Article 21**WORK ASSIGNMENT IN HIGHER RANK**

- 21.1 Any officer who, for more than one-half of the officer's regularly assigned shift is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank shall be compensated at the hourly rate of pay of the higher rank for the entire duty shift in which he or she is so assigned. If during the period of temporary assignment, the officer also works overtime as defined by Article 16 of this Agreement, the officer shall be paid overtime as provided by Article 16.
- 21.2 If the Chief or his designee assigns any Police Officer 1st Grade to perform the duties of a Technician, Detective or Corporal, then that officer will be compensated at the rate associated with that assignment for the entire period the officer is acting in that capacity. For purposes of calculating overtime under Article 16 of this Agreement, the acting pay provided by this Article 21.2 shall be considered the officer's "regular rate of pay" until such time as the officer is no longer working in an acting capacity. The acting pay provisions above shall not apply to detective training programs or limited duty assignments.

Article 22

INJURY IN LINE OF DUTY

- 22.1 Any officer who shall become injured in line of duty shall be provided when necessary with hospitalization, doctors, surgeons, nurses and medical care.
- 22.2 Any officer who shall become so physically or mentally disabled by reason of bodily injuries received in the discharge of the duties of the officer in the department that the officer is rendered unable to perform duties in the department, shall be granted any necessary leave of absence not to exceed one (1) year at full salary for the rank which the officer holds in the department, and shall be compensated from the regular police department payroll.
- 22.3 Should such officer need additional leave of absence in excess of one (1) year, the officer may use accumulated sick leave and should the officer still need additional leave of absence, the officer may be granted additional leave of absence at one-half of the salary for the rank the officer holds in the department, to be paid from the "pension and relief fund"; provided, however, that should such officer be eligible for retirement on a pension, the officer shall not be entitled to receive such additional disability leave, but instead shall be retired from active service at the expiration of one (1) year's leave of absence and accumulated sick leave.
- 22.4 Compensation shall not be denied under this section because the injury was not received on the tour of duty to which the officer has been assigned, if it was received in the discharge of the duties of the officer and if the officer conducted himself in a legal manner and in compliance with rules and regulations governing the department.
- 22.5 Except as otherwise provided by statute, the Charter, or Article 22.3 above, when the City has admitted liability or accepted a workers' compensation claim, no officer shall be required to use accumulated sick leave for any line of duty injury or illness.

Article 23**FUNERAL EXPENSES**

In the event an officer is killed in the line of duty or dies from injuries sustained in the line of duty, the City shall pay the cost of reasonable funeral expenses up to a maximum of \$10,000.00, which amount shall be offset by any other payments for these purposes made by any other agency or organization.

Article 24**LIFE INSURANCE**

The City shall provide group life insurance coverage for each officer in an amount equal to one and one-half times the officer's base pay.

Article 25

HEALTH AND DENTAL INSURANCE

25.1

Health Insurance: The City shall offer health care plan options from no fewer than two (2) insurance providers, in addition to Denver Health, if coverage from Denver Health is offered. The amount of the City's contribution will depend on the plan selected by the officer. During the term of this Agreement, the City shall make the following contributions towards health insurance premiums:

Effective January 1, 2015, the City shall contribute 80% of the premiums for the plan selected by the officer.

Effective January 1, 2016, if the provider selected by the officer offers two plans, the City shall contribute 70% of the premiums if the officer selects the high premium plan; the City shall contribute 90% of the premiums if the officer selects the low premium plan. If the provider selected by the officer offers only one plan, the City shall contribute 90% of the premiums for that plan.

For the 2016 calendar year, if an officer selects a high deductible plan and also elects to open a Health Savings Account (HSA), then the City will contribute, on a 1:1 matching basis, up to one hundred dollars (\$100) every month to the officer's HSA if the officer has enrolled in an employee-only health plan; if the officer has enrolled in a multi-party plan, then the City will contribute, on a 3:1 matching basis, up to three-hundred dollars (\$300) every month to the officer's HSA.

For the 2017 calendar year, if an officer selects a high deductible plan and also elects to open a Health Savings Account (HSA), then the City will contribute, on a 1:1 matching basis, up to fifty dollars (\$50) every month to the officer's HSA if the officer has enrolled in an employee-only health plan; if the officer has enrolled in a multi-party plan, then the City will contribute, on a 3:1 matching basis, up to one hundred fifty dollars (\$150) every month to the officer's HSA.

Coverage under the high deductible plans offered by the City will be substantially similar to the plan benefits provided by the HMO plans offered in 2015. However, it is understood that the co-insurance will be shared between the provider and the employee on an 80/20 split, the deductible for the plans will be no more than \$1,500 for single coverage and no more than \$3,000 for multi-party coverage and the maximum out-of-pocket cost for employees shall not exceed \$4,500 for single coverage subscribers and \$9,000 for multi-party coverage subscribers.

If any of the health care plans offered by the City in 2016 are no longer offered in 2017, the City's premium contribution levels stated above shall apply to any replacement plan offered by the City and the benefit levels of any new plan shall be substantially similar to the plan it replaces.

- 25.2 Dental Insurance: The City shall offer dental insurance to officers. Regardless of plan selected by the officer, the City's level of contribution shall be equivalent to 80% of the premium costs of the mid-level dental plan offered to officers. In no event shall the City's contribution exceed the actual cost of coverage as determined by the provider. The mid-level dental plan offered to officers shall be substantially similar to the current Delta Dental EPO plan.
- 25.3 This Article shall not be administered in any manner that would be in conflict with or violate the terms and conditions of any contracts between the City and health and dental insurance providers.
- 25.4 The Association will substantially participate with the City in the development of health and dental plans to be offered to officers. The Association will have the opportunity to comment and make recommendations on proposals before health and dental plans are offered to officers. In addition, a member of the Association chosen by the Association shall be appointed by the Mayor to the Employee Health Insurance Committee.

Article 26**DEATH AND DISABILITY CONTRIBUTION**

26.1

During the term of this Agreement the City shall pay the state mandated contribution for death and disability coverage pursuant to C.R.S. § 31-31-811(4) for all officers hired on or after January 1, 1997.

Article 27**PAY RATES AND LONGEVITY**

27.1.1 Effective January 1, 2015, the annual salary for officers will be as follows:

Police Officer Recruit	\$48,086
Police Officer 4th grade	\$53,429
Police Officer 3rd grade	\$59,136
Police Officer 2nd grade	\$63,314
Police Officer 1st grade	\$79,644
Technician	\$84,982
Detective	\$87,696
Corporal	\$87,696
Sergeant	\$95,223
Lieutenant	\$109,206
Captain	\$123,017

27.1.2 Effective January 1, 2016, the annual salary for officers will be as follows:

Police Officer Recruit	\$49,769
Police Officer 4th grade	\$55,299
Police Officer 3rd grade	\$61,206
Police Officer 2nd grade	\$65,530
Police Officer 1st grade	\$82,432
Technician	\$87,956
Detective	\$90,765
Corporal	\$90,765
Sergeant	\$98,556
Lieutenant	\$113,028
Captain	\$127,323

27.1.3 Effective January 1, 2017, the annual salary for officers will be as follows:

Police Officer Recruit	\$50,764
Police Officer 4th grade	\$56,405
Police Officer 3rd grade	\$62,430
Police Officer 2nd grade	\$66,841
Police Officer 1st grade	\$84,081
Technician	\$89,715
Detective	\$92,580
Corporal	\$92,580
Sergeant	\$100,527
Lieutenant	\$115,289
Captain	\$129,869

27.1.4 Effective July 1, 2017, the annual salary for officers will be as follows:

Police Officer Recruit	\$51,779
Police Officer 4th grade	\$57,533

Police Officer 3rd grade	\$63,679
Police Officer 2nd grade	\$68,178
Police Officer 1st grade	\$85,763
Technician	\$91,509
Detective	\$94,432
Corporal	\$94,432
Sergeant	\$102,538
Lieutenant	\$117,595
Captain	\$132,466

27.2 LONGEVITY

All officers, upon reaching their fifth (5th) anniversary date of employment, shall be paid longevity pay. Officers entitled to longevity pay shall be paid at the rate of twelve dollars (\$12.00) per month for each year of service.

27.3 Officers assigned to the following assignments shall, in addition to the pay rates above, receive the following:

- 27.3.1 Bomb technician: \$150 per month
- 27.3.2 Motorcycle: \$75 per month
- 27.3.3 Helicopter chief pilot: \$525 per month
- 27.3.4 Helicopter pilot: \$375 per month
- 27.3.5 Canine handler: Officers assigned as canine handlers shall receive, in addition to their annual salary, eight (8) hours of compensatory time and eight (8) hours of additional pay per work period.
- 27.3.6 Bilingual officers: Officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief or the Chief's designee: one hundred dollars (\$100) per month. Additionally, officers who are certified with advanced levels of expertise may be paid up to a total of \$200 per month in accordance with published standards and procedures.

27.4 ON CALL

Officers placed in "on call" status by the Chief or his designee shall be compensated for each hour or part thereof spent in on call status at the rate of one percent (1%) of the officer's regular rate of pay. For purposes of this Article, being placed in on call status means any time an officer is required to remain available to respond to a call to duty and is subject to possible disciplinary action for failing to respond. The determination of those officers placed in on call status shall rest solely with the Chief or his designee.

In the event an officer in on call status is called back to work by an authorized superior, the officer will no longer be in on call status and will be compensated in accordance with Article 17 of this Agreement.

Article 28**PAY PERIODS**

28.1

Officers shall be paid on a biweekly basis, on alternating Fridays. Whenever a payday falls on a recognized holiday specified in Article 11, payment of salaries shall be made on the preceding business day.

Article 29**RETIREE HEALTH**

- 29.1 Subject to annual appropriation, during each year of this Agreement the City will make annual contributions in the amount of \$805,000 to the Denver Police Retiree Health Fund ("Trust") which has been established for the sole purpose of providing some assistance with the payment of health insurance premiums for officers who retire on or after January 1, 1996. Quarterly payments to the Trust by the City will be made on January 10, April 10, July 10 and October 10 of each year.
- 29.2 The Association shall provide the City with financial reports of the Trust on a quarterly basis. The Association shall also notify the City of any changes to the Articles of Incorporation, governing by-laws or terms of administration of the Trust for approval, to ensure that the Trust is being administered consistently with the intended purpose of this Article.

Article 30

GRIEVANCE AND ARBITRATION PROCEDURES

- 30.1 A grievance is a claim that the City has violated an express provision of this Contract, and does not include any disciplinary matters.
- 30.2 Any officer or group of officers or the Association may discuss any matter with their Division Chief, Deputy Chief or the Chief, without invoking the formal grievance procedure provided for in this Article. No agreements reached in such informal discussion shall be binding on the Association or any other officer nor shall they be binding on the City or officer raising the issue except for the specific incident which led to the discussion.
- 30.3 Neither the City nor the Association shall threaten or coerce any officer for filing a grievance under this Contract.
- 30.4 All grievances shall be settled in the following manner:
- Step 1. A grievance must be initiated by either an aggrieved officer or by the Association on behalf of one or more member(s) of the bargaining unit. The grievant must reduce the grievance to writing and present the written grievance to the Deputy Chief within thirty (30) calendar days after the grievant knew or should have known of the facts which gave rise to the grievance. The written grievance must contain (a) a statement of the grievance and the facts upon which it is based; (b) the specific section(s) of the Contract allegedly violated; and (c) the remedy or adjustment sought. In addition, if the grievance is initiated by the Association, the written grievance shall identify the name of the member(s) on whose behalf the Association is filing the grievance. The Deputy Chief shall hold a meeting with the grievant within ten (10) calendar days from the receipt of the grievance and shall within ten (10) calendar days from the date of such meeting issue a written response to the grievant and the Association. The Association shall be given notice of the meeting and shall have the right to attend if it so chooses.
- Step 2. If the grievance is not resolved at Step 1, the grievant shall have fifteen (15) calendar days from the issuance of the Step 1 denial to present the grievance to the Chief. Within fifteen (15) calendar days of receipt of the grievance at Step 2, the Chief shall hold a meeting with the grievant and representative(s) of the Association. Within fifteen (15) calendar days of such meeting the Chief shall issue a response in writing to the grievant and Association.

Step 3. If the grievance is not resolved at Step 2, the Association may demand arbitration. Any demand for arbitration must be in writing and received by the official designated by the City within fifteen (15) calendar days of the Association's receipt of the Step 2 denial.

- a. The parties shall obtain a panel of seven Western States Region arbitrators from the Federal Mediation and Conciliation Service. The Grievance Arbitrator shall be selected by a method of alternative striking of names from the panel, with the first strike determined by the flip of a coin. The final name left on the panel shall serve as the Grievance Arbitrator.
- b. The Grievance Arbitrator shall have the authority to hold hearings and make procedural rules.
- c. The award of the Grievance Arbitrator shall be final and binding on the City and the Association. The Grievance Arbitrator shall have no authority to add to, subtract from, alter or modify any terms of this Contract.
- d. The award of the Grievance Arbitrator shall be rendered within thirty (30) days of the closing of hearing or the submission of briefs following hearing, whichever is later. The costs of any arbitration shall be borne equally by the parties to this Contract.
- e. Either party may request a certified court reporter to take a stenographic record of the evidence taken at the arbitration hearing. If such a stenographic record is taken, a copy of the transcript shall be provided to the Grievance Arbitrator. The party requesting a stenographic record shall pay the cost thereof, except that if the other party shall request a copy of any transcript, the parties shall share equally the entire cost of making the stenographic record.

30.5 If the grievant or Association fails to comply with any time limit set forth in this Article, the grievance shall be deemed forfeited. If the City fails to comply with any time limit set forth in this Article, the grievance shall be deemed denied as of the last day of the time limit and may be moved to the next step within the time frames set forth in that step.

30.6 The following matters are not subject to the grievance procedures of this Contract: Any matter covered by the Charter of the City and County of Denver, the Rules and Regulations of the Department not inconsistent with the express terms of this Contract, and the Operations Manual of the Department not inconsistent with the express terms of this Contract, the

Rules and Regulations of the Civil Service Commission of the City and County of Denver adopted pursuant to its authority, City Ordinances, Statutes and Constitutional provisions.

30.7

The time limits for processing grievances as set forth in this Article may be extended by agreement between the Chief or a designee of the Chief and a representative of the Association. Any such agreements shall be memorialized in writing. If the last day of any time limits set forth in this Article occurs on a Saturday, Sunday or holiday, the limit shall be automatically extended to the next calendar day which is not a Saturday, Sunday or holiday.

30.8

Any grievance which impacts more than one officer can be filed by the Association directly at Step 2 within fifteen (15) days of when the grievant or the Association knew or should have known the events giving rise to the grievance.

Article 31**SAVINGS CLAUSE**

Should any section or portion thereof of this contract be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and the remaining parts or portions of the contract shall remain in full force and effect. Upon the issuance of such a decision, the parties agree immediately to commence negotiations for a substitute for the invalidated section or portion thereof.


Article 32**GENERAL AND DURATION**

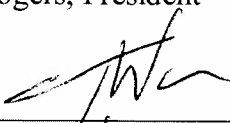
- 32.1 The Association is not bound by any agreements or understandings that the City might make with any officer(s) or any other organization of officers unless such agreements or understandings are specifically stated in this Contract.
- 32.2 This contract shall be effective as of January 1, 2015 through December 31, 2017 and its terms shall remain in full force and effect until a new contract is effective.

Article 33**PAYMENT ON SEPARATION**

Payments due pursuant to the terms of this Agreement for all accrued and unused leave and compensatory time shall be payable within sixty (60) days of an officer's separation from the Department, at the officer's base rate of pay at the time of separation.

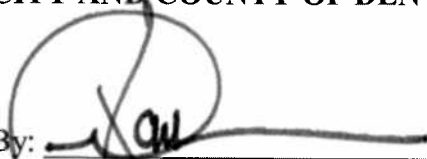
**DENVER POLICE PROTECTIVE
ASSOCIATION**

By: 
Nick Rogers, President


By: 
Tyson Worrell, Secretary



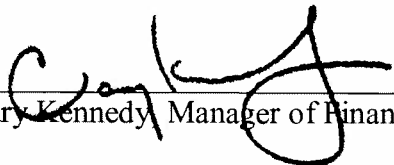
CITY AND COUNTY OF DENVER

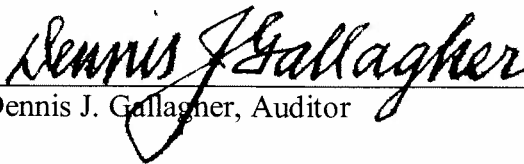
By: 
Michael B. Hancock
Mayor

ATTEST:


Debra Johnson, Clerk and Recorder

REGISTERED AND COUNTERSIGNED:


Cary Kennedy, Manager of Finance

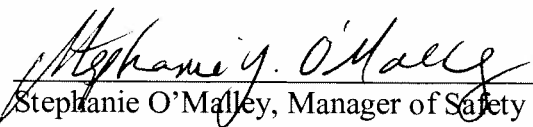

Dennis J. Gallagher, Auditor

APPROVED AS TO FORM:

D. Scott Martinez, City Attorney
City and County of Denver

By: 

RECOMMENDED AND APPROVED:


Stephanie O'Malley, Manager of Safety

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** ("MOU") is made and entered into by the Denver Police Protective Association ("DPPA") and the City and County of Denver ("the City").

WHEREAS, the DPPA and the City entered into a Collective Bargaining Agreement effective January 1, 2015 through December 31, 2017 ("the Agreement"), which was ratified by the members of the DPPA and approved by ordinance adopted by the City; and

WHEREAS, the DPPA and the City now desire to amend the Agreement;

NOW, THEREFORE, in consideration of the mutual advantages contained herein, and further in consideration of the mutual promises and covenants herein more specifically set forth, the parties hereto do **STIPULATE AND AGREE** as follows:

1. Article 20, Section 20.1 of the Agreement is amended to read as follows:

20.1 The City shall pay each officer an allowance of \$875 for the acquisition, maintenance and repair of equipment. This payment shall be made on or before November 30 of each year of the agreement.

2. Article 27, Section 27.4 of the Agreement is amended to read as follows:

27.4 ON CALL

Procedures will be established by the Chief to insure officers placed on call will be compensated for all time spent handling phone calls while off duty. Each call will be logged on a log sheet and approved by the officer's commander at the end of every work period. The officer will be compensated at their overtime rate of pay in either time off or overtime pay. If an officer in on call status is called back to work by an authorized supervisor, the officer will no longer be in on call status and will be compensated in accordance with Article 17 of this Agreement.

3. Except as amended by the MOU, the Agreement otherwise remains unchanged and in full force and effect and is affirmed and ratified in each and every particular.

4. This MOU shall be effective upon ratification by the membership of the DPPA and the approval of an adopting ordinance by the City.

**DENVER POLICE PROTECTIVE
ASSOCIATION**

CITY AND COUNTY OF DENVER

By: _____

Nick Rogers, President

By: _____

Michael B. Hancock, Mayor

By:


Tyson Worrell, Secretary

ATTEST:

Debra Johnson, Clerk and Recorder

REGISTERED AND COUNTERSIGNED:

Cary Kennedy, Manager of Finance

Dennis J. Gallagher, Auditor

APPROVED AS TO FORM:

D. Scott Martinez, City Attorney
City and County of Denver

RECOMMENDED AND APPROVED:

By: _____

Stephanie O'Malley, Manager of Safety